

**PURDUE UNIVERSITY**  
**PROCEDURES FOR RESOLVING COMPLAINTS OF**  
**DISCRIMINATION AND HARASSMENT**  
**(REVISED OCTOBER 19, 2007)**

**I. 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.

Any employee, student, campus visitor, or person participating in a University activity who believes he or she 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.

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.

The University reserves the right to investigate circumstances that may involve discrimination and/or harassment where no complaint, formal or informal, has been filed. In such situations, the University may elect to investigate and, if warranted, impose disciplinary sanctions pursuant to these or other established University procedures.

The University also reserves the right to take provisional, emergency actions departing from these Procedures; provided, however, that such actions shall be followed as promptly as possible by steps giving Respondents the notice and opportunity to respond as specified in the Formal Resolution Process set forth in Section VI hereof.

Any question of interpretation regarding these Procedures shall be referred to the Vice President for Human Relations for final determination.

**II. DEFINITIONS**

“Advisory Committee on Equity” shall mean the committee appointed by the Vice President for Human Relations upon the nomination of the Provost, a Chancellor, the University Senate, the Administrative and Professional Staff Advisory Committee, and the Clerical/Service Staff Advisory Committee to advise the Chancellors and the Director pursuant to Section VI of these Procedures.

“Complainant(s)” shall mean a person or persons making a complaint under the Informal Resolution Process or the Formal Resolution Process.

“Contact Person” shall mean a Complainant's department head or any other person who has supervisory responsibility for the Complainant or a designated individual within the following University offices: (a) on the West Lafayette campus, the Affirmative Action Office, Department of Human Resource Services, Graduate School, and Office of the Dean of Students; (b) on the Calumet campus, the Affirmative Action Office, the Vice Chancellor for Student Services, and the Department of Human Resources; (c) on the Fort Wayne campus, the Affirmative Action/Equal Opportunity Office, the Dean of Students, and the Department of Human Resources; and (d) on the North Central campus, the Equal Opportunity/Affirmative Action Office, the Dean of Students, and Human Resources.

“Days” shall mean calendar days.

“Director” shall mean the Director of Affirmative Action of the West Lafayette campus.

“File” and “Filed” shall mean that the document has been received and acknowledged by the appropriate University official.

“Formal Complaint” shall mean a Formal Complaint filed pursuant to Section VI of these Procedures.

“Formal Resolution Process” shall mean the process for resolving complaints of discrimination and/or harassment set forth in Section VI of these Procedures.

“Informal Complaint” shall mean an Informal Complaint filed pursuant to Section V of these Procedures.

“Informal Resolution Process” shall mean the process for resolving complaints of discrimination and/or harassment set forth in Section V of these Procedures.

“Procedures” shall mean the procedures set forth in this document.

“Respondent(s)” shall mean the person or persons whose conduct is the subject of concern under these Procedures,

“University” shall mean Purdue University.

“University Investigator” shall mean a person designated by the Vice President for Human Relations to investigate a Formal Complaint pursuant to Section VI of these Procedures.

### **III. GENERAL PROVISIONS**

To protect both the Complainant and the Respondent, complaints of discrimination and/or harassment will be treated with the greatest degree of confidentiality possible.

Complainants are advised, however, that confidentiality can only be respected insofar as it does not interfere with the University's obligation to investigate allegations of misconduct that require it to take corrective action.

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 may also have an advisor or support person present if and when he or she becomes a party to an Informal Resolution Process or a Formal Resolution Process. An advisor or support person may not however, stand in place of either the Complainant or the Respondent, act as legal counsel for a party or otherwise participate in the Informal Resolution Process or the Formal Resolution Process. An advisor or support person may, however, be an attorney.

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 does not cooperate by failing to furnish information requested by the University Investigator or to make himself or herself available for interview by the University Investigator, the Chancellor or Director may dismiss the Complaint. The Chancellor or Director shall provide written notice of such dismissal to the Complainant(s) and the Respondent(s). In the event that a Respondent does not cooperate by failing to furnish information requested by the University Investigator or to make himself or herself available for interview by the University Investigator, the University Investigator may conclude that such information or interview, if provided or conducted, would be adverse to the Respondent.

Allegations of discrimination and/or harassment involving only students acting in their capacities as students will be adjudicated under the Student Conduct Code. Allegations of discrimination and/or harassment by recognized student organizations will be adjudicated in accordance with procedures established for student organizations. An investigation and determination of all other complaints alleging discrimination and/or harassment against a student may be conducted under these Procedures or under the Student Conduct Code. At the West Lafayette campus, the final decision regarding which procedure will be used for the investigation and determination will be made jointly by the Vice President for Human Relations, the Vice President for Student Services, the Dean of Students, and, as appropriate, the Dean of the Graduate School. At the Calumet, North Central, and Fort Wayne campuses, the final decision regarding which procedure will be used for the investigation and determination will be made by the Chancellor. Employees who are students involved in activities subject to these Procedures may be treated either as students, employees or both at the sole option of the University.

When extenuating circumstances warrant, a Chancellor or the Director, as the case may be, has the authority to extend any of the time limits contained in these Procedures except those relating to the filing of complaints or the filing of appeals.

In the event that a complaint concerns the conduct of the Director, the Vice President for Human Relations shall designate an individual who shall be responsible for implementing the responsibilities of the Director pursuant to these Procedures. In the event that a complaint concerns the conduct of the Vice President for Human Relations or a Chancellor, the President shall designate an individual who shall be responsible for implementing the responsibilities of the Vice President for Human Relations or such Chancellor pursuant to these Procedures. In the event that a complaint concerns the President, the Chairman of the Board of Trustees shall be responsible for implementing the responsibilities of the President pursuant to these Procedures.

Notwithstanding any provision contained in these Procedures to the contrary, in accordance with Executive Memorandum No. D-1 (Revised), dated December 31, 2002, a complaint alleging discrimination on the basis of marital status, parental status or sexual orientation will be barred unless a formal complaint is filed in accordance with these Procedures within one hundred twenty (120) days of the alleged occurrence.

#### **IV. RESOURCES FOR RESOLVING COMPLAINTS OF DISCRIMINATION AND HARASSMENT**

Inquiries and complaints about discrimination and/or harassment may be brought to a Contact Person. 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 Human Relations.

#### **V. INFORMAL RESOLUTION PROCESS**

Persons who believe they have experienced or witnessed discrimination or harassment are encouraged to report the incident promptly to a Contact Person. To file an Informal Complaint, a Complainant must (1) notify a Contact Person 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, and (2) sign a completed Complaint Information Form.

Contact Persons will take steps to ensure confidentiality of the Complainant and Respondent during the Informal Resolution Process to the extent maintenance of confidentiality does not interfere with the University's obligation to address allegations of discrimination and/or harassment.

Any member of the University community may consult a Contact Person for advice, without obligation to file a complaint. If the potential Complainant declines to participate in the completion of the Complaint Information Form, however, the Contact Person may

have no obligation to invoke the Informal Resolution Process or otherwise process the Informal Complaint.

### *Processing of Informal Complaints*

Within three days following its receipt by a Contact Person, the Contact Person must (1) forward a copy of the signed Complaint Information Form to the Office of the Vice President for Human Relations or, in the event that the matter involves persons from a Regional Campus, the Chancellor, and (2) either attempt to resolve the Informal Complaint or refer the matter for resolution to another Contact Person.

Prior to completing the Informal Resolution Process, and upon the Complainant's request, a Chancellor or the Director may determine that no useful purpose is served by pursuing the Informal Resolution Process and may move the dispute to the Formal Resolution Process. In such situations, the Contact Person shall complete and submit his or her Status Report Form as described below.

### *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. 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 his or her 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 misconduct. The Contact Person will attempt to conclude the Informal Resolution Process within thirty days.

Within ten days following conclusion of the Informal Resolution Process, the Contact Person must complete and submit a Status Report Form. A copy of the Status Report Form is to be submitted to the Vice President for Human Relations or Chancellor, but not normally to any other campus-level office.

In the event the Informal Resolution Process demonstrates that the Complainant filed knowingly false or malicious charges, appropriate discipline will result.

## **VI. FORMAL RESOLUTION PROCESS**

Upon the election of a Complainant, or if there is no mutually acceptable resolution of an Informal Complaint during the Informal Resolution Process, a Formal Complaint of discrimination and/or harassment may be filed. To be considered properly received, a Formal Complaint must be filed with the appropriate Chancellor or the Director by the Complainant within the earlier of ten days of the conclusion of the Informal Process or

120 days following the incident of discrimination and/or harassment. Where the discrimination and/or harassment is of an ongoing nature, a Formal Complaint must be filed within the earlier of ten days of the conclusion of the informal process or 120 days from the most recent incident. The Formal Complaint must be signed and dated by the Complainant and describe the alleged incident(s) with relevant date(s), name(s) of the Respondent(s), and name(s) of witnesses. 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 ten days following termination of the Complainant's employment with the University.

Within ten days following receipt of a Formal Complaint, the Chancellor 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 Human Relations.

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

Prompt notification of a Formal Complaint will be provided by the Chancellor or Director to the Respondent(s), to the department head or supervisor, and to the appropriate Vice President, Dean, or head of other major unit by delivery of a copy of the Formal Complaint through certified or express mail or by hand delivery. The notification to the Respondent(s) will include a copy of the Formal Complaint, the identity of the Complainant(s), a copy of any 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 ten days from the date of certified or express mailing or hand delivery of the notification of the Formal Complaint. Any extension of time must be approved by the Chancellor or Director. A copy of the Respondent(s)'s response will be provided to the Complainant.

#### *Investigation of Formal Complaints*

As soon as practicable following appointment, the University Investigator will interview the Complainant(s). Within three days following the completion of his or her interview with the Complainant(s), the University Investigator will notify the Chancellor or Director in writing as to whether or not the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy. If the University Investigator's notification indicates that such allegations, if substantiated, would not constitute a violation of University policy, the Chancellor or Director may dismiss the Complaint, and that decision shall be final. The Chancellor or Director shall provide the Complainant(s) and Respondent(s) with written notice of such dismissal.

In the event that the University Investigator's notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of University policy, or if the Chancellor 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(s) and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The investigation shall be completed within thirty days following the assignment of the Formal Complaint to the University Investigator, unless an extension of time is approved by the Chancellor or Director.

Within seven days following the conclusion of the investigation, the University Investigator will prepare and deliver a report to the Chancellor or Director. The report will include a finding based upon a preponderance of the evidence that: (1) the allegations cannot be substantiated; (2) some or all of the allegations are substantiated; or (3) the Formal Complaint was knowingly false or malicious. 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 evidence supporting each finding is more convincing than the evidence offered in opposition to it. The report will include the basis upon which the University Investigator reached his or her conclusions. The report will also include the University Investigator's determination of whether a violation of any University policy has occurred and a recommendation of the sanctions to be imposed, if any.

#### *Determination*

Within fifteen days of receipt of the University Investigator's report, the Chancellor or Director will convene a meeting with and seek advice from a three member panel selected by the Chancellor 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 or Director and the panel.

Within ten days following the meeting with the panel from the Advisory Committee on Equity, the Chancellor or Director shall make a written determination whether a violation of University policy has occurred.

In the event the charge of discrimination and/or harassment is not substantiated following the written determination of the Chancellor or Director, reasonable efforts will be taken to restore the reputation of the Respondent.

## **VII. SANCTIONS**

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, the Director and such Vice President or Dean will refer the disagreement to the Provost for resolution.

At the Calumet, Fort Wayne, and North Central campuses, sanctions will be determined and imposed by the Chancellor.

The Chancellor or Director will send the Complainant and the Respondent the written determination and final outcome, including sanctions, if any, of the matter by certified or express mail or by hand delivery. 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 acting as students are listed in University Regulations and may include without limitation verbal or written warnings; probation; probated suspension; suspension; or expulsion.

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 (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 testifying as a witness. 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.

In the event the investigation of a Formal Complaint demonstrates that the Complainant filed knowingly false or malicious charges, appropriate discipline will result.

## **VIII. SANCTIONS FOR BIAS MOTIVATED BEHAVIOR**

If a University employee, student or recognized student organization engages in conduct that constitutes discrimination or harassment motivated by bias based on a person's race, gender, religion, color, age, national origin, ancestry, or disability, the sanctions for such conduct are subject to enhancement in accordance with these Procedures.

## **IX. 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 Universities 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.

## **X. APPEAL**

The Complainant and the Respondent each have the right to appeal the decision of the Chancellor or Director and imposition of any sanction to the Vice President for Human Relations. The appeal must be in writing and filed within twenty days of the issuance of notification of the decision, with all supporting materials attached. Decisions not appealed within such time are deemed final.

The Vice President for Human Relations will issue a decision on the appeal to all parties involved. Normally this decision will be made within thirty days from the date the appeal was received. The written decision of the Vice President for Human Relations on the appeal shall constitute the University's final action.

## **XI. FILING WITH EXTERNAL AGENCIES**

Persons who believe that they have been subjected to discrimination and/or harassment may be able to 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 Affirmative Action Office on the West Lafayette campus.