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Part 4 — Equal Opportunity

Section II — Antiharassment Policy

(From Vice President and Treasurer Memo A-16. Board of Trustees, April 30, 1970. Revised by the January 9, 1975, July 10, May 31, 1997.)

PREAMBLE

The major goal of this policy is to prevent harassment within the Purdue University community. The University believes that harassment is repugnant and inimical to our most basic values.

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. 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.

This policy addresses harassment in all forms, covering those with legally protected status for reasons of race, gender, religion, color, age, national origin, ancestry, or disability, as well as those who are harassed for other reasons, such as sexual orientation.

POLICY

It is the policy of Purdue University to maintain the campus as a place of work and study for faculty, staff, and students, free from all forms of harassment. In providing an educational and work climate that is positive and harassment-free, faculty, staff, and students should be aware that harassment in the workplace or the educational environment is unacceptable conduct and will not be tolerated.

SCOPE

This policy applies to all faculty, staff, and students with respect to activities occurring on any University property and University-related activities occurring off-campus. This policy also applies to the activities of recognized student organizations including fraternities, sororities, and/or cooperatives.

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.

DEFINITIONS

Harassment is 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 activity;
2. unreasonably interfering with a person's educational environment, work environment, or environment for participation in a University activity; or
3. unreasonably affecting a person's educational or work opportunities or participation in a University activity.

Racial Harassment

Racial harassment is conduct that demonstrates hostility toward 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 activity;

2. unreasonably interfering with a person's educational environment, work environment, or environment for participation in a University activity; or
3. unreasonably affecting a person's educational or work opportunities or participation in a University activity.

The University is strongly committed to providing a safe and harassment-free environment for members of those groups that historically have been, and still are likely to be, at greatest risk of harassment for reasons of prejudice.

Sexual Harassment

Sexual harassment is any unwelcome sexual advance; requesting of 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 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 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 activity.

Amorous relationships that occur in the context of educational or employment supervision and evaluation present serious concerns about the validity of consent. The disparity of power between persons involved in amorous relationships of a teacher and student, supervisor and subordinate, or senior and junior colleagues in the same department or unit makes them susceptible to exploitation. Those who abuse their power in such a context violate their duty to the University community.

Relationships between faculty and students are particularly susceptible to exploitation. The respect and trust accorded a member of the faculty by a student, as well as the power exercised by faculty in giving grades or recommendations for future study and employment, make voluntary consent by the student suspect.

Anyone who engages in a sexual relationship with a person over whom he or she has any power or authority within the University structure must understand that the validity of the consent can and may be questioned. In the event of a charge of sexual harassment, the University will give very critical scrutiny to any defense based upon consent when the facts establish that a power differential existed within the relationship.

DETERMINATION OF HARASSMENT

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.

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.

RETALIATION PROHIBITED

This policy seeks to encourage faculty, staff, and students to report and address incidents of harassment. Retaliation against faculty members, staff members, or students for reporting or complaining of harassment or enforcing this policy is strictly prohibited. Overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group for exercising rights under this policy will be subject to appropriate and prompt disciplinary or remedial action.

SANCTIONS

An individual or group of individuals found to have violated this policy will be subject to disciplinary or remedial action, up to and including termination of employment or expulsion from the University.

The sanctions for conduct that constitutes harassment as defined by this policy are subject to enhancement when such conduct is motivated by bias based on a person's legally protected status as defined by federal and state law: e.g., race, gender, religion, color, age, national origin, ancestry, or disability. This enhancement of sanction is applicable to University faculty, staff, students, and recognized student organizations, including fraternities, sororities, and/or cooperatives.

FINANCIAL LIABILITY

Faculty and staff who are determined to have violated this policy may be held personally liable for any damages, settlement costs, or expenses, including attorney fees incurred by the University.

FALSE CHARGES

This policy shall 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.

RESPONSIBLE INSTITUTIONAL OFFICERS

The Vice President for Human Relations, in consultation with University officers, chancellors, and legal counsel, shall have overall responsibility for oversight and coordination of enforcement of policies and procedures dealing with harassment for all campuses and operations within the Purdue University system.

Chancellors, vice presidents, deans, and heads of all schools, divisions, departments, and offices are responsible for maintaining an educational and employment environment free of harassment.

Administrators or supervisors who have knowledge of conduct involving harassment or who receive a complaint of harassment that involves University faculty, staff, or undergraduate or graduate students under their administrative jurisdiction, shall take immediate steps to deal with the matter according to University policy and procedures.

Persons who believe they have experienced or witnessed harassment are encouraged to report it through established procedures. Heads of schools and administrative units shall make known to all of their members those individuals and offices designated as resources for people seeking assistance with harassment.

OTHER DISCRIMINATORY CONDUCT

This antiharassment 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.

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