



TO: Governor Mike Braun
Through: Dr. Katie Jenner, Secretary of Education
From: Chris Lowery, Commissioner
Indiana Commission for Higher Education
RE: Executive Order 25-39 Report
DATE: September 16, 2025

I. Introduction

Pursuant to your directive in Executive Order 25-39, the Commission has reviewed the policies of Indiana's state educational institutions related to antisemitic actions and speech, as well as the response of each institution to any acts of antisemitism that have occurred at the institution since October 7, 2023.

As directed by Executive Order 25-39, the Commission used the definition of antisemitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance ('IHRA') for purposes of this report.

The Commission contacted Indiana's state educational institutions in the spring requesting the following information and providing a reporting template:

- The institution's definition of *antisemitism*.
- The institution's policy related to antisemitic actions and speech (including the effective date of the policy).
- If the effective date of the institution's current definition and/or policy was on or after March 13, 2025, a copy of the institution's former definition and/or policy (including its effective date), or a notation that none previously existed.
- Details pertaining to each act of antisemitism since October 7, 2023, including (1) date, (2) a description of the act with name(s) of involved individuals redacted, (3) an indication whether the involved individuals were enrolled or employed at the institution at the time of the act, (4) a description of the institutional response, and (5) a notation of the *antisemitism* definition and/or policy (and effective date) used to (a) determine the act was antisemitism and (b) inform the institution's response.

Institutions responded accordingly over the course of the summer.

Please find below the Commission's findings and enclosed as appendices the information submitted to the Commission by the state's educational institutions.

II. Review Findings

A. Definition of *Antisemitism*

Four of Indiana's state educational institutions use a specific definition of *antisemitism*:

- Indiana State University added the definition from IHRA to Policy 923 on June 27, 2025. It is also referenced in the Student Code of Conduct.
- Indiana University has used the IHRA definition "since at least 2023."
- Purdue University has used the IHRA definition since May 12, 2025.
- The University of Southern Indiana stated in its submission, "The University of Southern Indiana accepts the IHRA definition of antisemitism as noted above as of the date of this report."

The following state educational institutions do not use a specific definition of *antisemitism*:

- Ball State University
- Ivy Tech Community College
- Vincennes University

B. Policy Related to Antisemitic Actions and Speech

While Indiana's state educational institutions do not have specific policies regarding antisemitic actions and speech, multiple policies at each institution address such conduct (e.g., codes of conduct, non-discrimination policies, etc.). Specifically, state educational institutions reported the following policies as addressing antisemitic actions and speech (copies of which are enclosed in the appendices).

Ball State University

- Code of Student Rights and Responsibilities
- Equal Opportunity Policy
- Equal Opportunity Complaint Investigation Procedure and Appeals Process
- Anti-Harassment Policy
- Non-Commercial Expressive Activity and Assembly on University Property Policy

Indiana State University

- Student Code of Conduct
- Expressive Activity Policy

Indiana University

- Non-Discrimination Policy
- Discrimination, Harassment, and Sexual Misconduct Policy
- Student Code of Rights, Responsibilities and Conduct

Ivy Tech Community College

- Discrimination and Harassment Policy and Procedures

Purdue University

- Anti-Harassment Policy
- Equal Opportunity and Access Policy

University of Southern Indiana

- Statement on Freedom of Expression
- Equal Opportunity and Non-Discrimination Policy

Vincennes University

- Policy Regarding Non-Discrimination
- Racial, Ethnic, and Religious Harassment Policy

C. Acts of Antisemitism and Institutional Responses

Indiana's state educational institutions reported a total of forty-seven (47) acts of antisemitism since October 7, 2023. These ranged from swastikas drawn on the rear windshield of a car to written threats of physical violence over a LinkedIn post. Specifically:

- Ball State University reported 1 act, with the complaint made by a student.
- Indiana University reported 30 total acts across the system, with 18 complaints made by students, 6 made by employees (with 1 complaint representing 8 employees), 3 complaints made by parents, 1 complaint made by an alumnus, and 2 complaints made by anonymous reporters.
- Ivy Tech Community College reported 1 act across the system, with the complaint made by a student.
- Purdue University reported 15 total acts across the West Lafayette, Fort Wayne, and Indianapolis campuses, with 7 complaints made by students, 1 complaint made by a parent, 6 complaints made by unaffiliated individuals, and 1 complaint by an anonymous reporter.

The following institutions reported no acts of antisemitism since October 7, 2023:

- Indiana State University
- Vincennes University
- University of Southern Indiana

III. Conclusion

The Commission will conduct another review pursuant to Executive Order 25-39 next summer regarding any policy changes made by the state educational institutions related to antisemitic actions and speech, as well as the response of each institution to any acts of antisemitism that may occur at the institution after September 30, 2025. The Commission will report its findings by November 30, 2026.

EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

Ball State University

June 2, 2025

Introduction

This document serves as Ball State University’s (“University”) report based on the Indiana Commission for Higher Education’s (“Commission”) request for information pursuant to Executive Order 25-39.

Definition of *Antisemitism*

While the University does not have a specific definition of antisemitism, the concept is captured by its discrimination and harassment policies and procedures.

Policy Related to Antisemitic Actions and Speech

Again, while the University does not maintain a policy specific to antisemitic actions and speech, the concept is captured by its discrimination and harassment policies and procedures. These are discussed in more detail below.

If the University receives a complaint of antisemitism against a student, the matter would be processed under the Code of Student Rights and Responsibilities (“Code”). See Exhibit A for the 2024-2025 version of the Code. Depending on the nature of the alleged conduct, the applicable section of the Code would likely be Section 4.1.1 Harassment and/or Section 4.1.3 Harm, Threat, or Endangerment. Note that the definition of Harassment in the Code has been updated to take effect on August 1, 2025 (with the publication of the 2025-2026 version of the Code). See Exhibit B.

If the University receives a complaint of antisemitism against an employee, the matter would involve the University’s Equal Opportunity Policy and Anti-Harassment Policy, and would be processed under the University’s Equal Opportunity Complaint Investigation Procedure and Appeals Process. See Exhibits C, D, and E. Note that these policies were revised in April 2025, with the updates being unrelated to the concept of antisemitism. Nevertheless, the prior versions of the policies as they stood on March 13, 2025, are being provided as requested. See Exhibits F, G, and H.

In addition, the University maintains a Non-Commercial Expressive Activity and Assembly on University Property Policy, which could be implicated by a complaint of antisemitic actions and speech. See Exhibit I. Note that this policy was revised on May 12, 2025, with the updates being unrelated to the concept of antisemitism. Nevertheless, the prior version of the policy as it stood on March 13, 2025, is being provided as requested. See Exhibit J.

Acts of Antisemitism and Institutional Responses

The University had one complaint pertaining to an act of antisemitism between October 7, 2023, and the date of this report. Details of this complaint are outlined below.

Date of the Act: November 27, 2024

Description of the Act: Student A discovered two swastikas had been drawn into the dirt of the rear windshield of her vehicle that was parked on campus. Student A is Jewish and reported the incident immediately to the University Police Department (UPD).

Description of Institutional Response: Upon receipt of the report, UPD engaged in an investigation, and University administration in Student Affairs reached out to Student A to offer support and assistance. Student A was offered supportive measures, including support with missed class time/assignments and Counseling Center Services.

UPD concluded their investigation and referred the matter to the Office of Student Conduct (OSC). OSC charged two students (Student B and Student C) for a violation of the Code, specifically Section 4.1.1. Harassment. An investigation by UPD and OSC determined that Student B and Student C did not know Student A, her ancestry, or that the vehicle belonged to her. As such, this incident was a random act by Students B and C.

Student A was offered the opportunity to participate in conduct proceedings but opted not to engage with the process. Student A informed University administration that she did not want the parties responsible to be expelled or suspended. She expressed her preferred resolution was education for the parties responsible on the topic of antisemitism and the meaning of the swastika.

Students B and C accepted responsibility for violating the Code, Section 4.1.1. Harassment. Students B and C were required to complete a thoroughly researched presentation to the Assistant Director of Student Conduct on the history of the swastika, World War II, antisemitism, and a personal reflection. Students B and C completed their individual requirements on January 23, 2025.

Status of Parties: Students A, B, and C were currently enrolled at the time of the incident.

Antisemitism Definition: As noted earlier in this report, the University does not have a specific definition of antisemitism.

Policy Related to Antisemitic Actions and Speech: This incident was processed as an incident of Harassment (Section 4.1.1) pursuant to the 2024-2025 Code of Student Rights and Responsibilities.

* * * *

Conclusion

Thank you for the opportunity to submit the information in this report. We welcome the chance to clarify any of this information if requested by the Commission.

Index of Exhibits

Exhibit A: 2024-2025 Code of Student Rights and Responsibilities

Exhibit B: Revised Definition of Harassment for the 2025-2026 Version of the Code (eff. August 1, 2025)

Exhibit C: Equal Opportunity Policy

Exhibit D: Anti-Harassment Policy

Exhibit E: Equal Opportunity Complaint Investigation Procedure and Appeal Process

Exhibit F: Equal Opportunity Policy (prior version)

Exhibit G: Anti-Harassment Policy (prior version)

Exhibit H: Equal Opportunity Complaint Investigation Procedure and Appeal Process (prior version)

Exhibit I: Non-Commercial Expressive Activity and Assembly on University Property Policy

Exhibit J: Non-Commercial Expressive Activity and Assembly on University Property Policy (prior version)

Exhibit A

Code of Student Rights and Responsibilities



**BALL STATE
UNIVERSITY**

Published by
Office of Student Conduct
conduct@bsu.edu
bsu.edu/studentconduct
(755) 285-5036
L. A. Pittenger Student Center SC L-4

Table of Contents

INTRODUCTION	5
The Beneficence Pledge.....	5
I. FREEDOM OF EXPRESSION STATEMENT	6
II. TERMS and DEFINITIONS.....	8
III. GENERAL ADMINISTRATION OF THE CODE	10
3.1 Authority	10
3.2 Jurisdiction	10
3.3 Other Proceedings	10
3.4 Application	10
3.5 Violations of the Law	11
3.6 Interpretation	11
3.7 Amendments and Review.....	11
3.8 Notice	11
IV. PROHIBITED CONDUCT	12
4.1 Offenses against Persons.....	12
4.1.1 Harassment	12
4.1.2 Hazing	12
4.1.3 Harm, Threat, or Endangerment.....	12
4.1.4 Privacy Violation.....	12
4.1.5 Sexual Misconduct	13
4.1.6 Stalking.....	13
4.2 Offenses Related to the Operation of the University	13
4.2.1 Academic Misconduct	13
4.2.2 Aiding and Abetting	13
4.2.3 Misuse of Computer and Technology Resources	13
4.2.4 Disorderly Conduct	13
4.2.5 Failure to Comply	13
4.2.6 False Information	14
4.2.7 Fraudulent Use	14
4.2.8 Obstruction or Disruption.....	14
4.2.9 Housing and Residence Life Policy Violations	14
4.2.10 Solicitation.....	14
4.2.11 Violation of the Law.....	14
4.2.12 Other Policy Violations	14

Ball State Code of Student Rights and Responsibilities

4.3	Violations That Compromise the Health/Safety/Welfare of the Student or Others.....	14
4.3.1	Alcohol	14
4.3.2	Fire Safety	14
4.3.3	Drugs	15
4.3.4	False Reporting.....	15
4.3.5	Gambling	15
4.3.6	Smoking and Tobacco Use	15
4.3.7	Weapons	15
4.3.8	Animals	15
4.4	Offenses against Property	15
4.4.1	Misuse of Property	15
4.4.2	Theft	15
4.4.3	Vandalism.....	15
4.5	Offenses Involving the Conduct Process	15
4.5.1	Improper Influence	16
4.5.2	Intimidation of Participants	16
4.5.3	Providing False Testimony	16
4.5.4	Sanction Noncompliance.....	16
4.5.5	Interference with a Reprimand or Sanction.....	16
V.	CONDUCT PROCEDURES	17
5.1	General Procedures	17
5.1.1	Reporting an incident or filing a complaint.....	17
5.1.2	Types of adjudication	17
5.1.3	Persons with Disabilities	17
5.1.4	Good Neighbor Policy.....	18
5.1.5	Common Rights and Procedures	18
5.2	Housing and Residence Life Conduct Procedures	19
5.3	Recreation Services Conduct Procedures	19
5.4	Academic Ethics Conduct Procedures	19
5.5	Student Organizations Conduct Procedures.....	19
5.5.1	Complaints against Student Organizations.....	19
5.5.2	Adjudication Procedures	20
5.5.3	Decisions	22
5.5.4	Appeal Process	22
5.5.5	Publication of Hazing Incidents	23

Ball State Code of Student Rights and Responsibilities

5.6 Office of Student Conduct Procedures (OSC)	24
5.6.1 Preliminary Meeting.....	24
5.6.2 Administrative Hearing	25
5.6.3 University Review Board (URB)	25
5.6.4 Procedures for Conduct Hearings.....	26
5.6.5 Hearing Outcomes	29
5.6.6 Appeal Process	29
5.7 Sanctions	30
5.8 Supportive Measures and Interim Suspension	32
5.8.1 Supportive Measures.....	32
5.8.2 Interim Suspension.....	33

INTRODUCTION

Ball State University expects and requires all of its students and their guests to cooperate in developing and maintaining high standards of scholarship and conduct. Entrance into the University students with many rights, privileges, and opportunities, but also attendant responsibilities. In order for students to live and learn in harmony with others in the University community, they must assume responsibility for their actions and respect the rights and beliefs of others. Ball State's [Beneficence Pledge](#), found below, gives a broad statement of aspirational expectations for students. The [Beneficence Pledge](#) is approved and published separately from this *Code of Student Rights and Responsibilities*).

The Beneficence Pledge

Members of the Ball State University Community...

pledge to maintain high standards of scholarship and excellence

to work with students, faculty, and staff to strengthen teaching and learning on campus.

pledge to practice academic honesty

to model and uphold academic integrity, to honor my peers, and earn the trust and respect from all members of the community.

pledge to act in a socially responsible way

to treat each person in the Ball State community with civility, courtesy, compassion, and dignity; to respect the property and environment of the campus.

pledge to value the intrinsic worth of every member of the community

to respect and learn from differences in people, ideas, and opinions.

The University community is not a sanctuary from the law and all students of the University are subject to local, state, and federal laws. In addition, each individual is obligated to protect the University as a forum for the free expression of ideas.

The *Code of Student Rights and Responsibilities* outlines behaviors expected of students at Ball State University and methods used to judge student behavior fairly according to these standards. The standards of conduct apply to students while on the campus or off campus, when attending University-sponsored events or activities, or when such conduct involves the security or integrity of the University community.

The resolution of complaints for violation of the *Code of Student Rights and Responsibilities* (*Code*) may vary according to the location of the alleged violation, the complexity of the circumstances of the complaint, or the relative seriousness of the complaint. Complaint resolution should use an educational framework to assist students in making informed, responsible choices regarding their behavior in this academic community.

I. FREEDOM OF EXPRESSION STATEMENT

- 1.1. Freedom of expression is enshrined in the [First Amendment to the United States Constitution](#) and Ball State University's [Bill of Rights and Responsibilities](#). Therefore, Ball State University is committed to free and open inquiry in all matters, and our University guarantees all members of the University community—including students, faculty, staff, and visitors—the broadest possible latitude to speak, write, listen, challenge, and learn. Except insofar as limitations on that freedom are necessary to the functioning of our University, Ball State fully respects and supports freedom of expression of all members of the University community. Our University endeavors to maintain a culture and community that will inspire our members to pursue knowledge with rigor and curiosity, to speak with care, and to work so that even the quietest or most underrepresented voices among us are heard. In the Beneficence Pledge, members of the Ball State community pledge to value the intrinsic worth of every member of the community, which is to respect and learn from differences in people, ideas, and opinions.
- 1.2. The ideas of different members of the University community will often and quite naturally conflict. It is not the proper role of our University, however, to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Our University greatly values civility, and all members of the University community share in the responsibility for maintaining a climate of mutual respect. But concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, irrespective of how offensive or disagreeable those ideas may be to some members of our community.
- 1.3. The freedom to debate and discuss the merits of competing ideas does not, though, mean that individuals may say whatever they wish, wherever they wish. Our University may restrict expression that violates the law, that falsely defames a specific individual, that constitutes a genuine threat or harassment, that unjustifiably invades substantial privacy or confidentiality interests, or that is otherwise directly incompatible with the functioning of the University. In addition, our University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of our University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with our University's commitment to a completely free and open discussion of ideas.
- 1.4. Simply put, our University's fundamental commitment is to the principle that debate or deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral, or wrong-headed. It is for the individual members of the University community, not for our University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of our University's educational mission.
- 1.5. As a corollary to our University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express

their views on campus. But they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, our University has an enduring responsibility to promote a lively and fearless freedom of debate and deliberation and to protect that freedom when others attempt to restrict it.

- 1.6 Ball State University is committed to the right of individuals to speak and to identify as a member of the University. However, that right exists with a concurrent obligation not to speak or act on behalf of the institution, or any group of members therein, without express authorization. To clarify, a group includes a university division, college, department, unit, center, taskforce or committee. Of course, nothing in the above referenced statement is intended to restrict the freedom of employees to engage in scholarly activities or personal involvement in community activities. Nor is the statement intended to affect individual employees' rights to express personal opinions on University or non-University matters, as long as those employees make it clear that they do so as individuals and do not represent the official position of the University either directly or indirectly. For purposes of clarity, the President speaks for the University on matters related to the business, operations, events of the University, and as delegated to the President by the Board of Trustees or as expressly authorized by the Board of Trustees. Individuals, task forces, committees, units, centers, departments, colleges, and university divisions are not authorized to issue institutional statements on behalf of Ball State University or any constituent component of Ball State University. To avoid any potential confusion, individuals expressing personal opinions are not permitted to use Ball State logos or other identifying marks in a way that could mistakenly imply their personal statements, including communications via social media, are endorsed by the University.
- 1.7 Ball State's commitment to freedom of expression comports with our commitment to inclusive excellence, which encompasses encouraging and rewarding diversity of thought, innovation, and creativity. We define inclusiveness, one of our University's enduring values, as a commitment "to respect and embrace equity, inclusion, and diversity in people, ideas, and opinions." As members of the Ball State University community, we will provide opportunities for all to express their opinions. It is our hope that, as we engage in free expression, we will learn to be comfortable in the dissidence that opposing views can often evoke. Freedom of expression is a powerful tool for testing ideas, for learning, and for growth. We pledge to keep inclusive excellence at the highest level of institutional importance and as a foundation in all that we do.
- 1.8 Ball State maintains a [Freedom of Expression](#) webpage for those interested in learning more about this topic. Among other information, this webpage contains FAQs and links to the University's expressive activity policies, including the Non-Commercial Expressive Activity and Assembly on University Property Policy and the Commercial Activity on University Property Policy.

Adapted from the Report from the Committee on Freedom of Expression at the University of Chicago, 2014. Ball State Board of Trustees, January 31, 2020. Revised June 14, 2024.

II. TERMS and DEFINITIONS

The following definitions will be used in this *Code*:

- 2.1 **Business day** means any day, Monday through Friday, in which University offices are open.
- 2.2 **Conduct body** (alternatively: case manager, convening official, hearing officer, appellate administrator, hearing board, hearing panel, etc.) means any person or group of persons authorized by this *Code* to determine whether a student has violated any provision of the *Code*, to administer sanctions, to convene a hearing, or to review and respond to appeals.
- 2.3 **Members of the University community** include anyone who belongs to any of the following groups: students, faculty, professional personnel, staff personnel, service personnel, and visitors.
- 2.4 **Preponderance of Evidence** is the standard of evidence to determine if a violation of this *Code* has occurred. This standard of proof means people in decision-making roles must be convinced by the totality of the available, relevant evidence presented that the alleged conduct has more likely than not (greater than 50 percent likely) occurred in order for there to be a violation of this policy.
- 2.5 **School day** means Monday, Tuesday, Wednesday, Thursday, or Friday. It does not include Saturday or Sunday, nor does it include any day on which there are no scheduled University classes.
- 2.6 **Student** is defined as:
 - a. Any person admitted to the University who is registered (used interchangeably with ‘enrolled’) in classes, either full-time or part-time.
 - b. Persons who have been enrolled at the University, and have not withdrawn, are students even when they are not enrolled for a particular semester if a University official determines they have a continuing relationship with the University. A “continuing relationship” may include, but is not necessarily limited to, a student enrolled in a previous semester and registered or otherwise indicating intent to register for a future period of enrollment.
 - c. Persons accepted for admission who have indicated intent to attend in a future period of enrollment.
 - d. Persons who, before their first attendance, participate in activities intended only for those who will be students (e.g., orientation, leadership, band, athletic training and practices, etc.).
 - e. Any person who graduates or withdraws after allegedly violating the *Code of Students Rights and Responsibilities*, until the case has been resolved under the *Code*.
- 2.7 **Student Organization** means any student group or organization that is

- a. granted official recognition by the University after meeting established criteria for such recognition; or
- b. otherwise affiliated with or supported by the University, including but not limited to fraternities, sororities, varsity and club athletic teams, performance groups, societies, corporations, orders, societies, private clubs primarily composed of students or alumni, and groups chartered by a national organization.

2.8 **University** means Ball State University.

2.9 **University-sponsored event or activity** means all the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, performances, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over students, including any building owned or controlled by a student organization that is officially recognized by the University.

2.10 **University official** means any employee of the University performing administrative, professional, or staff responsibilities.

2.11 **University property** means property owned, controlled, used, or occupied by the University.

2.12 **Written notice** is defined as a notice deemed to be effective on the first business day after the date such notice is mailed by the University, or immediately when the notice is hand delivered, delivered to a residence hall mailbox, delivered to a student's University email in-box, or forwarded to an alternative email address as directed by the student's University email.

III. GENERAL ADMINISTRATION OF THE CODE

3.1 Authority The Board of Trustees of Ball State University is empowered by Indiana law (IC 21-39-2) to regulate the conduct of students. The Board of Trustees, has delegated this authority to the president and to the vice president for Student Affairs, who in turn have further delegated to other personnel the authority to implement and apply the sections Prohibited Conduct and Conduct Procedures as set forth in this *Code of Student Rights and Responsibilities (Code)*. Whenever an action is permitted or required to be taken under this *Code* by a University official or other employee, the action may be taken by that official or employee's designee.

3.2 Jurisdiction This *Code*, as well as other generally-applicable University policies that may govern student conduct, apply to students and student organizations (and thus may result in disciplinary actions) in the following situations:

- a. When the conduct occurs within the physical boundaries of Ball State University
- b. When the conduct otherwise occurs on or affects University property;
- c. When the conduct affects people on University property;
- d. When the student is in attendance at or otherwise participating in a University-sponsored event or activity (regardless of location including virtual or online environments); or
- e. When a University official determines that off campus conduct involves the interests of the University. Such interests may include, but are not limited to:
 - 1) Conduct that causes or threatens harm to the health or safety to the person or causes damage or destruction to the property of a member of the University community;
 - 2) Conduct involving serious crimes including all crimes of violence, felonies, and the sale or distribution of illegal drugs or controlled substances, or if a police report has been filed, if a summons or indictment has been issued, or if an arrest has occurred; or
 - 3) Conduct adversely affecting the University community or indicating that the continued presence of a student on campus poses a threat to the student's well-being or the well-being of other members of the University community.

3.3 Other Proceedings At the discretion of University officials, conduct action under this *Code* may proceed in advance of or during the pendency of other proceedings. University officials may also pause proceedings at the request of law enforcement agencies so as not to interfere with criminal investigations.

3.4 Application This *Code*, as from time to time amended, shall apply to all undergraduate and graduate students of Ball State University at any campus location including online and shall be deemed a part of the terms and conditions of admission and enrollment of all students. These policies and procedures shall apply to a student's conduct even if the student withdraws from the University while a conduct matter is pending. A student's

diploma and final transcript may be withheld while a conduct matter is pending.

3.5 Violations of the Law Students charged with or convicted of a violation of federal, state or local law (see [Requirement to Disclose Felony Conviction or Charge after Admission](#)) to the University may be subject to University sanctions for the same conduct, in accordance with established policies and procedures, when the conduct is in violation of a University rule which is important to the continuing protection of other members of the University or to the safeguarding of the educational process. At the discretion of University officials, conduct action under this *Code* may proceed in advance of or during the pendency of criminal proceedings. Determinations made or sanctions imposed under this *Code* shall not be subject to change because criminal charges arising out of the same set of facts giving rise to University rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.

3.6 Interpretation Any question of interpretation or application of the *Code* shall be referred to the vice president for Student Affairs, or a designee, for final determination.

3.7 Amendments and Review Amendments may be proposed by the Ball State Student Government Association, University Senate, administrative personnel, or by the Board of Trustees. In addition, the *Code* shall be reviewed at least every two years under the direction of the dean of students or other University official designated by the vice president for Student Affairs.

- a. Changes required to correct typographical errors, reflect changes in organizational structure and position titles, and improve clarity but not change substance of text may be made by the dean of students, or a designee, in consultation with the vice president for Student Affairs.
- b. Changes deemed more substantial by the vice president of Student Affairs, or a designee, will be reviewed as required through the University's policy approval process.
- c. Changes required to be in compliance with new or revised federal, state, or local laws, regulations, ordinances, or directives may be made by the Vice President of Student Affairs in consultation with the Vice President and General Counsel.
- d. The *Code* was last reviewed and amended in June 2024. A summary of substantial amendments approved at that time is below:
 - i. **5.5.5. Publication of Hazing Incidents** was added to comply with recent changes in Indiana law.

3.8 Notice A notice of the *Code* will be sent at the beginning of each semester to the University community.

IV. PROHIBITED CONDUCT

This section outlines types of student conduct prohibited by the University. Any student found to have committed or to have attempted to commit one or more of these offenses, or to have engaged in other conduct that does not align with University standards or otherwise violates University policies not explicitly set out in this Code, is subject to the sanctions outlined in a later section.

4.1 Offenses against Persons

4.1.1 Harassment: Conduct towards another person or identifiable group of persons that has the purpose or effect of (a) creating an intimidating or hostile educational environment, work environment, or environment for participation in a University-sponsored event or activity; (b) unreasonably interfering with a person's educational environment, living environment, work environment, or environment for participation in a University-sponsored event or activity; or (c) unreasonably affecting a person's educational or work opportunities or participation in a University-sponsored event or activity.

4.1.2 Hazing: A violation of the [Hazing Policy](#). This includes but is not limited to any mental or physical action, requirement, request of, or obligation placed upon any person (including but not limited to a pledge, associate member, affiliate, prospective member, guest, initiate, or team member) which could be harmful to the health and/or welfare, or which is personally degrading to the individual person involved, or which has an adverse effect on the academic progress of the person, or which violates any federal, state, or local laws, or University policy. Individual acceptance of or acquiescence to any activity covered by the foregoing definition in no way validates or excuses the activity.

4.1.3 Harm, Threat, or Endangerment: Conduct that causes or threatens physical harm to any person is prohibited, as is any reckless or unauthorized conduct that threatens, endangers or reasonably could threaten or endanger the health or safety of any person. Conduct covered under this rule also includes but is not limited to fighting, physical assault, intimidation, coercion, or impairment of any person's freedom of movement as well as verbal or written threats of any action described above. This prohibition includes consideration of how a reasonable person similarly situated would perceive harm, threat, or endangerment.

4.1.4 Privacy Violation: Use of any devices (e.g., audio, video, or photographic) to make an image or recording of another person

- a. without that person's prior knowledge, or without that person's effective consent,
- b. when such image or recording is likely to cause injury or distress as determined by a reasonable person, and
- c. when there is a reasonable expectation of privacy.

This includes, but is not limited to, surreptitiously taking audio recordings, video recordings, or other images/pictures of another person in a private area such as a residence hall room, a public or private restroom, or a dressing/locker room. [Note: A

video or audio recording of a person outside, in a classroom, or in building hallway—even without consent—is unlikely to be a privacy violation but may constitute another violation depending on the circumstances.]

4.1.5 Sexual Misconduct: A violation of the [Title IX Policy](#) or the [Sexual Harassment and Misconduct Policy](#). This includes but is not limited to sexual assault which is any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in the policies indicated above.

4.1.6 Stalking: Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others or (B) suffer substantial emotional distress. Such actions could be either implicit or explicit threats against a specific person; an acquaintance, friend, family member, or pet of that person; or that person's property. Stalking includes the concept of cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

4.2 Offenses Related to the Operation of the University

4.2.1 Academic Misconduct: Acts that violate the [Student Academic Ethics Policy](#), which include but are not limited to cheating, plagiarism, falsely claiming to have completed work, cooperating with another person in academic misconduct, knowingly destroying or altering another student's work, or attempting to commit an act of misconduct. Note: Alleged violations of this prohibition are subject to procedures and consequences outlined in the [Student Academic Ethics Policy](#) implemented by the [Office of the Vice Provost for Academic Affairs](#).

4.2.2 Aiding and Abetting: Knowingly, recklessly, or willfully encouraging or assisting other persons to commit acts prohibited by this *Code of Student Rights and Responsibilities*.

4.2.3 Misuse of Computer and Technology Resources: Any behavior violating policies that govern the use of the University's computer system and related equipment/technology including the [Information Technology Users' Privileges and Responsibilities Policy](#). Examples include, but are not limited to, downloading copyrighted materials such as music or movies without authorization and advertising commercial services for private financial gain.

4.2. 4 Disorderly Conduct: Behavior that is disruptive, including but not limited to public indecency, urination, or nudity, noise ordinance violation, or breach of peace, to campus life/activities or the community surrounding the University.

4.2.5 Failure to Comply: Failing to comply with verbal or written instructions of University officials acting in the performance of their duties and made within the scope of their authority, or failing to identify oneself upon request of a University official.

4.2.6 False Information: Intentionally submitting false information, verbally or in writing, to a University official or office. Examples include, but are not limited to, submitting transcripts modified without authorization to Admissions, submitting falsified medical documents to a faculty member to document an absence, submitting resumes containing fake experiences to Career Services, and submitting a false ID card to a Ball State police officer.

4.2.7 Fraudulent Use: Forgery, alteration, taking possession, or the unauthorized use of University documents, records, keys, or identification without the consent or authorization of appropriate University officials.

4.2.8 Obstruction or Disruption: Obstructing or disrupting the teaching and/or learning process in any campus classroom, building, or meeting area, or any University-sponsored event or activity, pedestrian or vehicular traffic, classes, lectures, or meetings; obstructing or restricting another person's freedom of movement; or inciting, aiding, or encouraging other persons to do so. Note: obstruction or disruption as prohibited here only occurs on campus or in relation to a University-sponsored event or activity including but not limited to field trips, athletic events, study abroad, or alumni events.

4.2.9 Housing and Residence Life Policy Violations: Acts that violate residence hall rules and regulations, or the housing contract. Note: Alleged violations of this prohibition are subject to procedures outlined at [Residence Life Policies](#) (see Disciplinary Proceedings under *Prohibited Activity* tab) implemented by Housing and Residence Life staff members.

4.2.10 Solicitation: Acts that violate the [Commercial Activity on University Property policy](#), including but not limited to engaging in selling, offering, purchasing, fund-raising, or similar activity on University property without appropriate authorization.

4.2.11 Violation of the Law: Committing or attempting to commit any act, on or off University property, that would be a violation of local, state, or federal law when such behavior is judged by the dean of students, or a designee, to be detrimental to the University's educational process or objectives. Examples include, but are not limited to, providing a false ID to an Indiana State Excise Police officer or violating the Muncie noise ordinance.

4.2.12 Other Policy Violations: Violating any other published University policies that are not specifically referenced by this *Code*.

4.3 Violations That Compromise the Health/Safety/Welfare of the Student or Others

4.3.1 Alcohol: Acts that violate the [Alcohol Policy](#), including but not limited to, using, possessing, or distributing alcoholic beverages except as expressly permitted by law and University policies.

4.3.2 Fire Safety: Setting or attempting to set fires, using fire/open flame without authorization, using fire/open flame in an unauthorized location, or acting in a manner that disregards fire safety rules that results or could reasonably result, in a fire. This prohibition also includes unauthorized use, activation, dismantling, deactivating, or any

other unauthorized alteration of fire-fighting equipment, fire safety equipment, or other emergency equipment.

4.3.3 Drugs: Acts that violate the [Drug Policy](#) including, but not limited to, Using, abusing, possessing, selling, distributing, manufacturing, or transferring narcotics, illegal drugs as defined by federal, state, or local laws, or any controlled substance (including marijuana, inhalants, and abuse of over-the-counter or prescription drugs), except as expressly permitted by law. Possession of drug paraphernalia which can be demonstrated to be linked to illegal drug activity is also a violation of this policy.

4.3.4 False Reporting: Falsely reporting an emergency.

4.3.5 Gambling: Risking money or other property for gain, contingent upon lot, chance, or the operation of a gambling device in violation of the law.

4.3.6 Smoking and Tobacco Use: Acts that violate the [Tobacco-Free Campus Policy](#). These include, but are not limited to, smoking and the use of any other tobacco products (e.g., smokeless tobacco, electronic cigarettes, and “vapes”) on Ball State campus with limited exceptions. This also prohibits use of devices that mimic tobacco products (e.g., vaporizers or “vapes”) that create smoke or vapor regardless of content.

4.3.7 Weapons: Acts that violate the University’s [Weapons Policy](#) or federal, state, or local weapons laws. These include, but are not limited to, unauthorized transferring, using, possessing, or manufacturing explosives, fireworks, firearms, dangerous chemicals, or any other weapons (intended for and deemed capable of causing bodily injury or property damage).

4.3.8 Animals: Acts that violate the University’s [Pet Policy](#), city ordinance, and state law including, but not limited to, unauthorized pets or animals in university buildings and housing facilities and animals on university grounds that are not appropriate leashed and accompanied by their owners.

4.4 Offenses against Property

4.4.1 Misuse of Property: Trespassing on, occupancy of, unauthorized entry into, possession of, receipt of, or use of the property of another person, of the University, or of University services, facilities, or resources including, but not limited to, the University’s name, seal, or insignia. This includes unauthorized use of wheeled vehicles (e.g., skateboards, “hoverboards,” bicycles, etc.) inside of any building.

4.4.2 Theft: Attempted or actual theft, unauthorized use, or unauthorized possession of public property, University property, or personal property.

4.4.3 Vandalism: Attempted or actual vandalism of, damage to, or destruction of public property, University property, or personal property.

4.5 Offenses Involving the Conduct Process

- 4.5.1 Improper Influence:** Influencing or attempting to influence the decision of a member of a conduct body or a designated conduct officer, or attempting to discourage that person's participation in a conduct proceeding.
- 4.5.2 Intimidation of Participants:** Intimidating, coercing, influencing, or attempting to intimidate, coerce, or influence a witness, complainant, or other persons participating in the conduct process.
- 4.5.3 Providing False Testimony:** Providing false testimony or false information in the conduct process, or knowingly making unfounded accusations against another individual.
- 4.5.4 Sanction Noncompliance:** Failing to complete or to comply with a sanction imposed by the University.
- 4.5.5 Interference with a Reprimand or Sanction:** Obstructing or interfering with the reprimand, or sanction of another person who is involved in a violation of this *Code* or any other University rule or regulation.

V. CONDUCT PROCEDURES

5.1 General Procedures

5.1.1 Reporting an incident or filing a complaint: Any person (student, employee of the University, or other person) who believes a student or student organization may have committed a violation of the *Code of Student Rights and Responsibilities (Code)*, Section IV, may file a report at www.bsu.edu/saysomething. Reports made at that site will be directed, depending on the nature of the complaint, to one of the following offices:

- a. [Office of Student Conduct](#);
- b. [Office of Housing and Residence Life](#) or with the residence hall staff members where a student lives or where the violation occurred;
- c. [Office of Recreation Services](#);
- d. [Office of Student Life \(includes Fraternity and Sorority Life\)](#);
- e. [Associate Dean of Students and Deputy Sexual Misconduct and Title IX Coordinator for Students](#) (sexual harassment or misconduct including sexual assault).

Complaints pertaining to grade appeals or reports of academic ethics policy violations should be directed to the [Office of the Vice Provost](#).

Reports of emergencies or apparent criminal behavior should be directed to the [University Police Department](#) (call 765.285.1111)

5.1.2 Types of adjudication: Adjudication processes (formal means to resolve complaints) for students may vary according to the nature and severity of the case. Adjudication may occur in the administrative area where the violation occurred (e.g., Housing and Residence Life). The proceeding sections of this *Code* outline or refer to procedures in administrative areas most likely to adjudicate complaints. Other offices may be designated by the dean of students to act on behalf of the University, in conjunction with the Office of Student Conduct.

Administrative areas may resolve complaints of policy violations in a manner not addressed specifically by this *Code*. For example, students in study abroad experiences may find their concerns addressed by faculty members or other administrators. When the offense is of a more serious nature and may warrant consideration of suspension or expulsion from the University, the case will be referred to the Office of the Dean of Students, or a designated office.

5.1.3 Persons with Disabilities

- a. Accommodations in conduct procedures for persons with disabilities may be requested and will be assessed on an individualized basis.
- b. Students may seek assistance from the Office of Disability Services (755-285-5293 or dsd@bsu.edu) in making this request.

5.1.4 Good Neighbor Policy: Student health and safety is one of Ball State's highest priorities. Overconsumption of alcohol and substance abuse is a national problem and the Ball State community is not immune to that. We also know that students are usually in the best position to call for emergency services for another student, they should be encouraged to do so, and barriers to seeking help for other persons in need of emergency medical assistance should be removed whenever possible. Ball State recognizes that students may be concerned about being found responsible for a policy violation if they seek help in a situation where violations of policy have or are occurring. Ball State's Good Neighbor Policy addresses how alleged conduct violations are addressed when students, recognized student organizations, and student groups provide and/or receive emergency assistance.

5.1.5 Common Rights and Procedures

The rights and procedures below describe certain issues common to all procedures designed to resolve complaints against students for violations of any policy noted in this Code, whatever office resolves the complaint.

- a. Procedures will be structured to meet the fundamental requirements of fairness (e.g., right to written notice of charge in advance, right to a hearing, right to examine evidence, right to prepare defense, right to appeal, and right to an advisor of the student's choice but not representation by counsel or other advisor).
- b. Decisions in all proceedings and hearings shall be based on a preponderance of the evidence.
- c. Charges of minor infractions (those infractions not warranting suspension or expulsion and not repeated) of the *Code* and other University policies, for which a student is sanctioned, may be handled efficiently by the appropriate individual or committee in the respective administrative area or OSC. Students sanctioned in this manner have the right to appeal either to the next higher level of administration or to an established appeals committee.
- d. In cases involving charges of infractions of the *Code* and other University policies that may result in suspension or expulsion from the University, students have the right to formal procedures which include the right of appeal. Any student sanctioned for a serious infraction of established University regulations or policies has the right to appeal, either to the next higher administrator or to an established appeals committee.
- e. Formal rules of process, procedure, technical rules of evidence, and terms like "guilt," "innocence," and "burden of proof," such as are applied in criminal or civil court, are not used in *Code* proceedings. Investigations and hearings may take place in person or virtually (e.g., telephone, tele-conference) as determined by the office administering the procedure.
- f. From the time a complaint is made, a respondent is presumed not responsible for the alleged misconduct until a determination regarding responsibility is made final.

g. Students accused of a policy violation have the following rights:

- i. to obtain copies of all specific policies of the University (e.g., routine administrative policies, *Faculty and Professional Personnel Handbook*, etc.)
- ii. to have the complaint reviewed by a neutral party;
- iii. to receive a written notice of charged violations;
- iv. to know in advance the range of penalties for violations of campus regulations
- v. to accept responsibility for a violation and seek an informal resolution in lieu of a hearing;
- vi. to receive a written notice of hearing (including date, time, and place of the hearing);
- vii. to have a hearing convened by a neutral party; and
- viii. to appeal imposed sanctions and a hearing officer's/board's decision regarding responsibility based on stated criteria.

5.2 Housing and Residence Life Conduct Procedures

When an alleged violation occurs within or adjacent to facilities of Housing and Residence Life or in the context of programs sponsored by that office, the conduct procedures found in Housing and Residence Life [Disciplinary Proceedings](#) (see under *Prohibited Activity* tab) will apply. Housing and Residence Life will on occasion refer incidents for review and possible adjudication by the Office of Student Conduct.

5.3 Recreation Services Conduct Procedures

When an alleged violation occurs within or adjacent to the facilities of the Office of Recreation Services or in the context of programs sponsored by that office, the [conduct procedures found at Recreation Services](#) will apply. Recreation Services will on occasion refer incidents for review and possible adjudication by the Office of Student Conduct.

5.4 Academic Ethics Conduct Procedures

When an alleged violation of the Academic Ethics policy occurs, the policy and conduct procedures found at the Office of the Vice Provost for Academic Affairs [Academic Integrity web page](#) will apply. The Office of the Vice Provost for Academic Affairs will on occasion refer incidents for review and possible adjudication by the Office of Student Conduct as outlined in that policy.

5.5 Student Organizations Conduct Procedures

5.5.1 Complaints against Student Organizations

A student organization and/or its members, collectively or individually (when acting as part of the organization), may be held responsible for violations of the *Code* or published policies and, when appropriate, be subjected to disciplinary action. When a student organization is accused of committing a violation of University policy, or local, state, or federal laws, a complaint may be filed [online](#) or in person with the Office of Student Conduct and Student Life. Upon receipt of

such a complaint, the director of student conduct will designate one or more staff members (case managers) to investigate and determine if additional action is warranted (e.g., a hearing) regarding the complaint. “Organizational pause” instructions also may be issued at this time.

- a. The case manager will request in writing a meeting with the student organization president or designee to provide notice that a review has begun, review procedures and the general nature of the complaint, and seek additional information about the reported incident and the student organization’s alleged role.
- b. The case manager may at any time during the review dismiss the complaint in writing. The case manager also may charge the student organization with violations, provide a rationale for doing so, and propose appropriate sanctions based on the nature and severity of the violation(s), the student organization’s prior conduct, and consistency with past sanctions imposed on similarly situated organizations. This “charge notice” will be in writing but may be preceded by an informal, verbal notice.
- c. The student organization, through its president or designee, may respond to the charges by accepting responsibility for the alleged policy violations or contesting the charges. If the student organization accepts responsibility for the policy violations, it may still appeal the proposed sanctions. If the student organization contests the charges, the complaint will be referred to a formal hearing for resolution.
- d. When the accused organization is a fraternity or sorority, the director of student life, or a designee, may choose to refer the contested, charged violations to the appropriate Fraternity and Sorority Life (FSL) governing board [(Interfraternity Council (IFC), Panhellenic Council (PHC), or National Pan-Hellenic Council (NPHC)] for a formal hearing using its procedures.
- e. If a student organization, including fraternities and sororities, is accused of a severe policy or risk management violation (including but not limited to hazing, fighting, other physical violence, sexual misconduct, or egregious violation involving alcohol or illegal drugs) or has a history of severe policy or risk management violations, the director of student life, or a designee, may refer the contested, charged violations for a formal hearing through a venue determined by the director of student life. For example, sexual misconduct may be resolved through a separate process described in the Title IX Policy.
- f. Other cases may be referred to the Student Organization Hearing Board for adjudication.
- g. Alleged violations by individuals will be referred to the Office of Student Conduct.

5.5.2 Adjudication Procedures

If a formal hearing is warranted, the following procedures apply for conduct cases involving a student organization:

- a. *Selection of the Student Organization Hearing Board (Board) or Hearing Officer.* The Board will consist of five (5) members, three (3) to be selected from the Judicial Court of the Student Government Association (SGA), one (1) member being a current faculty or staff advisor of a recognized student organization, and one (1) Student Affairs professional staff member selected in consultation with the director of student life, or a designee. A chairperson will be selected from within the committee. The director of student life, or a designee, will serve as advisor and ex-officio (non-voting) member to the Board and be responsible for providing appropriate procedural and administrative support. In cases noted in 5.5.1.e above, the director of student life, or a designee, may also appoint a staff member to serve as an administrative hearing officer who is the sole decision-maker. The hearing board or hearing officer will determine if a student organization is in violation based on information provided at the hearing and will determine sanctions as appropriate.
- b. *Quorum.* Four (4) of the five (5) voting members of the Board must be present to constitute a quorum. A single administrative hearing officer constitutes a quorum.
- c. *Written Notice of Hearing.* The president or highest-ranking officer of the student organization shall be notified in writing by the director of student life, or a designee, of the date, time, and place of the hearing at least three (3) business days before the hearing. The written notice shall also include a statement of the allegations of policy violations and information regarding the student organization's rights in the hearing.
- d. *Absence of the Accused Organization.* The accused student organization may choose not to attend the hearing and may instead submit a written presentation of its case. The hearing may proceed in the absence of the accused. By such absence, the accused organization forfeits its right to question witnesses.
- e. *Witnesses.* The representative officer of the accused student organization, and the case manager may invite witnesses who have information relevant to the accusation to present testimony at the hearing; however, the chairperson of the Board or hearing officer may limit the number of witnesses to avoid repetition and cumulative testimony. Testimony of character witnesses may be provided in writing for consideration only during the sanctioning phase of the hearing. The names of witnesses and written disclosure of the main points of their testimony must be provided to the convening official a minimum of one (1) business day before the hearing. The accused organization and the case manager shall be responsible for ensuring the presence of their witnesses at the hearing. Witnesses invited shall be present only while they are testifying.
- f. *Advisor.* The officer of the student organization may be accompanied and assisted at the hearing by an advisor of the student organization's choice. The student organization must provide the name of the advisor to the convening official at least twenty-four (24) hours before the hearing. At no time may the advisor or attorney participate directly in the hearing proceedings. The advisor may only consult with the student representing the organization.
- g. *Recusal and Challenges.* Any Board member or hearing officer may disqualify

themselves if they have a conflict of interest with the case, with the accused student organization, with the complainant, or when a personal bias makes it impossible to render a fair decision. The accused student organization or the complainant may challenge a Board member or hearing officer on the grounds of conflict of interest or personal bias. The decision whether to disqualify a challenged member shall be made by a majority vote of the remaining members present or by the director of student life, or a designee, in the case of a hearing officer. If a challenge is upheld, the chairperson or dean of students may, at their discretion, either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Board.

- h. *Conduct of the Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Board or hearing officer with a complete understanding of the facts involved. Irrelevant, immaterial, and unduly repetitious evidence may be excluded. The hearing and the deliberations of the Board or hearing officer shall be private. The convening official or hearing officer shall make a record of the hearing which may be reviewed by a designated representative of the accused student organization upon request. Decisions of the Hearing Board shall be made by majority vote.
- i. *Continuances.* The Board, by majority vote, or hearing officer may continue the hearing to a later time.
- j. *Additional Rules.* Procedural rules not inconsistent with these procedures may be established by the Board or hearing officer from time to time to fulfill its functions in an orderly manner.

5.5.3 Decisions

The decision of the Board or hearing officer shall be submitted as a determination of responsible or not responsible for each charged, contested violation (non-binding comments regarding sanctions may also be submitted) to the director of student life, or a designee, who may then do one of the following:

- a. Accept the determination and direct that the sanctions recommended by the case manager be implemented if the determination is “responsible;” or
- b. Accept the determination and lessen or otherwise modify the sanctions recommended by the case manager if the determination is “responsible.”

5.5.4 Appeal Process

- a. The appellate review will be based on the information and materials in the case file; a summary of the evidence submitted; findings and recommendations; the student organization’s written request for an appellate review; and the record of the hearing.
- b. A student organization may appeal the result of an administrative hearing decision to

the next level administrator.

- c. Decisions by the Board may be appealed to the dean of students, or a designee.
- d. In both cases, the student organization has five (5) business days from receipt of the original decision in which to submit an appeal in writing.
- e. The organization may appeal based on the following reasons:
 - 1) A procedural or substantive error occurred that significantly affected the outcome of the hearing, such as substantiated bias or material deviation from established procedures.
 - 2) An unduly harsh sanction was imposed against the student organization.
 - 3) New information of a substantive nature sufficient to affect the outcome became available, and such information and/or facts were not known to the student organization appealing or its individual members at the time of the original hearing.
- f. An appeal may be resolved in one of the following ways:
 - 1) The original decision may be upheld;
 - 2) Modified, lesser sanctions, may be imposed;
 - 3) The case may be remanded back for a new hearing on the original charges violations to a Board reconstituted with new members or a new hearing officer.
- g. Appeal decisions shall be based solely upon the written documentation of the incident and a written statement of appeal from the organization.
- h. The appellate decision shall be final and will not be subject to any further appeal.

5.5.5 Publication of [Hazing](#) Incidents

- a. In compliance with Indiana law, Ball State will publish an annual report of [hazing](#) incidents involving student organizations that are adjudicated under the [Code of Student Rights and Responsibilities](#). This report will be published on the University's website by July 1 each year, beginning after the completion of the 2024-2025 academic year. The report is subject to FERPA and will not include personal identifying information of any individual student organization members. The report will include instructions on how a person may request additional information about an incident contained in the report, as well as notice that: (1) additional information related to the investigation, sanctions and/or other outcomes, and the student organization is available upon request; (2) the University is required to comply with Indiana Code 5-14-3 (access to public records); and (3) information protected by FERPA may not be released.

- c. The annual report will include the following information:
 - 1) the name of the student organization involved in the hazing;
 - 2) the date on which the hazing incident occurred;
 - 3) the date on which the Office of Student Conduct began the investigation;
 - 4) the date on which the Office of Student Conduct completed the investigation;
 - 5) the date on which the Office of Student Conduct charged the student organization with a violation;
 - 6) the date on which the sanctions and/or other outcomes were implemented;
 - 7) a description of the hazing incident, the findings of the investigation, and the sanctions and/or other outcomes that were implemented;

5.6 Office of Student Conduct Procedures (OSC)

A [flowchart depicting the procedures outlined below](#) can be found at www.bsu.edu/studentcode. See link to [Student Conduct Overview](#) in the first paragraph.

5.6.1 Preliminary Meeting

When a potential conduct matter is referred to the Office of Student Conduct (OSC), or OSC is otherwise made aware of such an incident, the designated staff member handling the matter (“case manager”) will review the information provided, check to ensure OSC has jurisdiction over the situation, and gather more information as necessary. If deemed appropriate under the circumstances, the case manager will then contact the student for a preliminary meeting.

The preliminary meeting is an initial meeting with a designated OSC staff member (“case manager”). During this meeting, the student is made aware of University conduct procedures, the nature of the complaint and alleged violations, and the range of sanctions possible for that type of offense. The student is also given an opportunity to respond to the complaint. Based on the information available, the director of Student Conduct, or a designee, may:

- a. dismiss some or all of the alleged violations;
- b. continue an investigation into the complaint to determine if the allegations have merit;
- c. refer the complaint to an alternative resolution process with the mutual consent of the parties involved and if such referral is acceptable to the director of Student Conduct, or a designee. As an example, a student may make a complaint about an off-campus roommate taking common property without authorization (theft) If there is a successful resolution of the matter via this alternative resolution process, the complaint will be dismissed by OSC. If successful resolution cannot be reached, the OSC conduct procedures outlined in 5.6 may proceed.”

- d. charge the student with one or more violations of the *Code of Student Rights and Responsibilities*, inform the student of recommended sanctions, and request the student choose from the options in adjudicating the complaint. If charged by the case manager with a violation(s) of the *Code*, the student is also informed of their options in adjudicating the violation(s), including one of the following:
 - i. To accept responsibility (a.k.a., “plead responsible”) for the violation, request an informal resolution in lieu of a hearing, and have the sanctions determined by the case manager. As part of an informal resolution, the director of Student Conduct, or a designee, may impose sanctions up to and including suspension and expulsion from the University but not revocation of degree.
 - ii. To assert “not responsible” for the violation and request a hearing (a.k.a., “contest charged violations”). In the case of minor offenses, the case manager will refer the case to an administrative hearing for resolution. Cases that are complicated in nature and scope, or where the violations may result in suspension or expulsion, are referred to the University Review Board.

5.6.2 Administrative Hearing

The case is heard before a designated hearing officer who is the sole decision-maker and will determine if a student is in violation based on information provided and will determine sanctions up to but not including suspension or expulsion. Administrative hearings will be conducted consistent with the procedures outlined in Section 5.6.4 below with the following exception:

5.6.2.a The case manager may serve as the administrative hearing officer in cases in which (i) the student has not responded to requests to meet, (ii) has not submitted a response to requests for choosing an adjudication option, and (iii) the alleged violation(s) are not subject to suspension or expulsion from the University.

5.6.3 University Review Board (URB)¹

- a. *Purpose.* The URB hears conduct cases referred to it by the director of Student Conduct, or a designee. Cases heard by the (URB) typically involve behavior that warrants suspension or expulsion. The URB is composed of students, faculty members, and/or professional employees.
- b. *Student Membership.* The student membership will include the vice president of the [Student Government Association](#), the secretary of justice, and students appointed by the SGA. Students are typically recruited and selected in conjunction with the OSC but are appointed by the SGA. Student members must participate in an initial orientation before they are eligible to serve as panelists in a hearing. Student members are appointed annually to serve on both the URB and the SGA Student Judicial Court

¹ When URB is used in this document, it refers to the entire membership of the University Review Board. When Board is used, it refers to those members of the URB empaneled to conduct a particular hearing.

and are expected to serve through the end of the fall semester in the year they are oriented to service. The dates of appointments, and assumption of responsibilities may vary per agreement between the SGA and the OSC. A student member may serve an unlimited number of terms. If insufficient student members have been appointed by the SGA when a hearing is required, the director of Student Conduct, or a designee, has the discretion to utilize non-appointed students in order to provide a timely process.

- c. *Faculty and Professional Staff Membership.* The faculty and professional employees shall be selected by OSC and confirmed by the [Student Government Association](#) at any of its regularly scheduled meetings. These hearing panelists are eligible to serve immediately after confirmation and serve for one (1) calendar year. Confirmed faculty members and professional employees may serve an unlimited number of terms.
- d. *Quorum for URB hearing.* A URB hearing must have a quorum of voting members to be convened; the quorum required depends on the sanctions under consideration:
 - i. *Cases that Warrant Consideration of Suspension or Expulsion.* To conduct a URB hearing for a student conduct case, a hearing panel composed of a minimum of three (3) members of the URB, of whom at least one (1) must be a student and two (2) must be faculty and/or professional employees, will be designated by the director of Student Conduct, or a designee.
 - ii. *Cases that do not Warrant Suspension or Expulsion.* The director of Student Conduct, or a designee, may on occasion refer cases that do not warrant suspension or expulsion to URB hearings to resolve complaints against students. However, these hearings may be composed of three (3) panelists, all of whom may be student URB members. An OSC administrator will chair the hearing but may not vote in deliberation.
- e. *Hearing Chairperson.* The hearing may be chaired by (a) an OSC staff member who shall be a non-voting member of the hearing panel or (b) a member of the hearing panel designated in advance by the OSC and who shall be a voting member of the URB.
- f. *Hearings during Summer Session and Breaks.* To ensure the functioning of the URB during the Summer semester and during breaks (when regular classes are not in session), the director of Student Conduct, or a designee, may convene a URB hearing with a minimum of three panelists chosen from the pool of the URB members who are available. Should a minimum of three panelists be unavailable from the URB pool, the director of Student Conduct, or a designee, may select unappointed or unconfirmed faculty, professional employees, or students to serve.

5.6.4 Procedures for Conduct Hearings

Procedures for disciplinary cases resolved by an administrative hearing (5.6.2) or a URB hearing (5.6.3) shall be as follows:

- a. *Written Notice of Hearing.* In cases where suspension or expulsion will not be considered, the respondent(s) shall be notified in writing by the OSC of the date, time, and place of the hearing at least three (3) business days before the hearing. In cases where suspension or expulsion is under consideration, the respondent(s) shall be notified in writing by the OSC of the date, time, and place of the hearing at least five (5) business days before the hearing. This written notice shall also include a statement of the allegations of policy violations and information about the hearing process. In cases where there are multiple respondent(s) respondents, the director of Student Conduct, or a designee, has the discretion to convene one hearing or separate hearings for the respondents. If an administrative or URB hearing must be rescheduled, the notice shall be sent a minimum of three business days prior to the new hearing's date, time, and location.
- b. *Respondent (aka Accused Student).* The University does not compel a respondent to attend a hearing. The respondent may choose not to attend the hearing and may instead submit a written presentation of their case. The hearing may proceed in the absence of the respondent. By such absence, a respondent forfeits their right to question witnesses.
- c. *Complainant.* In cases where a person is an alleged victim of a violent crime or non-forcible sex offense² or an act which is prohibited by the Sexual Harassment and Misconduct Policy (including but not limited to non-consensual sexual penetration, non-consensual sexual contact, domestic violence, dating violence, and stalking), that person shall be considered a complainant. A complainant may participate fully as a party in the hearing, which includes but is not limited to being present at the hearing, asking questions of other parties and witnesses, and responding to questions by the hearing panel, the respondent, and the director of student conduct, or a designee, acting as complainant on behalf of the University. As with a respondent, the University does not compel a complainant to attend a hearing. The complainant may choose not to attend the hearing and may instead submit a written presentation of their case. The hearing may proceed in the absence of the complainant. By such absence, a complainant forfeits their right to question witnesses.
- d. *Complainant on Behalf of the University.* In a hearing, the case manager who charged the respondent with violations will serve as a complainant on behalf of the University because of its interest in the behavior of students and the safety of all members of the University community. In those cases where another Complainant exists (see above – cases in which the Complainant is an alleged victim of violent crime or an act violating the Sexual Harassment and Misconduct Policy), the Complainant on Behalf of the University will provide documentation specifying charged violations and the

² “Violent crimes” for this purpose includes those outlined in the Family Educational Rights and Privacy Act: “The offenses that constitute a crime of violence or a non-forcible sex offense include arson, assault offenses, burglary, criminal homicide (manslaughter by negligence), criminal homicide (murder and non-negligent manslaughter), destruction/damage/vandalism of property, kidnapping/abduction, robbery, forcible sex offenses, statutory rape, and incest.” <https://studentprivacy.ed.gov/frequently-asked-questions>

rationale for those charges but will not otherwise attend or participate in the hearing.

- e. *Witnesses.* A respondent, complainant, and/or the director of Student Conduct, or a designee, (in their role as complainant on behalf of the University) may invite persons who have information relevant to the accusation to be witnesses and present testimony at the hearing. The hearing officer or hearing chairperson may limit the number of witnesses to avoid repetitive testimony. The names of witnesses and the main points of their testimony must be provided in writing to the OSC at least one (1) business day before the hearing. Each party shall be responsible for ensuring the physical or virtual presence of their witnesses at the hearing. Witnesses invited by any party shall be present only while they are testifying. Character witnesses may not provide testimony at a hearing but may provide written statements to be considered only if a student is found responsible. Character witness statements will be considered for sanctioning purposes only.
- f. *Advisor.* The respondent and the complainant may be accompanied and assisted at the hearing by an advisor of their choice. Students must provide the name of their advisor to the OSC at least one business day before the hearing. At no time may the advisor participate directly in the hearing proceedings. The advisor may only consult with their student(s).
- g. *Recusals and Challenges.* Board members and hearing officers may recuse themselves if they have a conflict of interest with the case, with the respondent, with the complainant, or when the Board member or hearing officer believes a personal bias makes it impossible to render a fair decision. The respondent or complainant may challenge a Board member or hearing officer on the grounds of conflict of interest or personal bias.
 - i. The decision whether to disqualify a challenged Board member shall be made by a majority vote of the remaining members present. If a challenge is upheld, the chairperson is authorized to either appoint another person to fill the vacancy or direct that the vacancy not be filled. In the latter case, a quorum shall thereafter consist of the remaining members of the Board.
 - ii. The decision whether to disqualify a challenged hearing officer shall be made by the director of the Office of Student Conduct (or the Dean of Students in a case where the director is the challenged hearing officer). The administrator making the decision will appoint a new hearing officer if upholding the challenge.
- h. *Conduct of the Hearing.* The hearing shall be conducted in an informal manner and without reference to rules applicable to a court of law concerning the examination of witnesses and admissibility of evidence, but with a view toward providing the Board or hearing officer with a complete understanding of the facts involved. The chairperson or hearing officer may limit questioning deemed to be irrelevant, immaterial, and unduly repetitious. The hearing will not be open to the public. The deliberations of the Board or hearing officer shall be private. Decisions of the Board shall be made by majority vote; the hearing officer is the sole decision-maker.

- i. *Record of the Hearing.* There shall be a single verbatim record, such as an audio recording, of all URB hearings. Deliberations shall not be recorded. No other recording shall be made. The respondent and complainant may review the recording in the OSC upon request, for any reason but typically to prepare for an appeal. The recording shall be the property of Ball State University and shall be maintained by the OSC until the conclusion of all appeal proceedings, until the appeal deadline has surpassed, or as required by law. Preliminary meetings, witness and other interviews, or administrative hearings may also be recorded by OSC staff members.
- j. *Continuances.* The Board, by majority vote, or the hearing officer, may continue the hearing and/or their deliberation to a later time.
- k. *Additional Rules:* Procedural rules not inconsistent with this process may be established by the Board or hearing officer from time to time to fulfill its or their functions in an orderly manner.

5.6.5 Hearing Outcomes

- a. The Board shall submit its decision regarding responsibility and any comments on the recommended sanctions (see 5.6.1.d above) to the director of Student Conduct, or a designee, who shall:
 - i. accept the decision and impose appropriate sanctions, or
 - ii. refer the case back to the Board with a written request to reconsider its decision, giving specific reasons for doing so.
- b. The hearing officer will render their decision regarding responsibility, impose sanctions as appropriate, and will notify the student and the case manager of the decision.

5.6.6 Appeal Process

- a. Students may appeal the hearing outcome (finding and sanctions) of an Administrative Hearing decision to the next level administrator.
- b. Decisions from a URB hearing and subsequent sanctions may be appealed to the vice president for Student Affairs or designee.
- c. In both types of cases, the student has three (3) business days (for cases that do not result in suspension or expulsion) or five (5) business days (for cases that do result in suspension or expulsion) from receipt of the original decision in which to submit an appeal in writing. In cases that involve a crime of violence or sexual harassment and misconduct, the other party will be notified of the appeal, provided the basis on which the appeal is made and a summary of the appeal, and given an opportunity to provide a response in writing within five (5) business days of written notice for consideration by the appellate administrator.

- d. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of a hearing and supporting documents.
- e. A student may appeal based on the following reasons:
 - i. A procedural or substantive error occurred that significantly affected the outcome of the hearing, such as substantiated bias or material deviation from established procedures.
 - ii. An unduly harsh sanction was imposed against a student (appeal by the respondent) or an insufficient sanction was imposed against a student (appeal by the complainant);
 - iii. New information of a substantive nature sufficient to affect the outcome became available, and such information and/or facts were not known to the person appealing at the time of the original hearing.
- f. An appeal may be resolved in one of the following ways:
 - i. The original decision may be upheld;
 - ii. Modified, lesser sanctions, may be imposed (or modified, more severe sanctions in the case of a successful appeal by a complainant); or
 - iii. The case may be remanded to a Board reconstituted with new members or a new hearing officer to allow reconsideration of the original determination and/or sanctions.
- g. The appellate decision shall be final and not subject to any further appeal.

5.7 Sanctions

Sanctions listed below are meant to be a general notice. If imposed, they may be named or labelled differently by the office imposing the sanction. Multiple sanctions may be administered at the same time.

- 5.7.1 Housing and Residence Life administrators may impose sanctions found at Housing and Residence Life [Disciplinary Proceedings](#) for violations of the Ball State *Code of Student Rights and Responsibilities* or the *Housing and Residence Life Handbook* that occur in housing facilities. Those sanctions are included in section 5.7.5 below.
- 5.7.2 Recreational Services administrators may impose certain sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* that occur on or within recreation facilities. Those sanctions can be found at [Recreation Services Guidelines](#) and are included in section 5.7.5 below.
- 5.7.3 Office of Student Life (including Fraternity and Sorority Life) hearing boards and administrators, as authorized, may recommend one or more of the following sanctions when a recognized student organization is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or the [Handbook for Student](#)

[Organizations](#). Those sanctions are included in section 5.7.5 below.

5.7.4 Violations of Academic Misconduct and the [Academic Ethics Policy](#). Faculty members may impose consequences for academic misconduct up to and including failure in the course. The Provost and Vice President of Academic Affairs, upon receipt of an Academic Ethics Committee hearing panel's summary, findings, and recommendations, may impose consequences and sanctions listed below up to including suspension or expulsion from the University or revocation of a previously awarded degree.

5.7.5 Office of Student Conduct (OSC) administrators may impose one or more of the following sanctions when a student is found responsible for violations of the Ball State *Code of Student Rights and Responsibilities* or any handbooks or policies noted above in cases referred from another office.

- a. Ban from an Area (Housing and Residence Life): A student may be prohibited from entering or being on the premises of specific residence hall buildings or all residential facilities.
- b. Apartment Contract Cancellation: A student may have their apartment contract cancelled and be required to vacate the apartment per terms of the contract. The cancellation includes forfeiture of deposit. The student may be responsible for rent through the contracted period.
- c. Conduct Probation: A status imposed for a limited, specified period of time (usually no longer than a calendar year) during which the student must demonstrate a willingness and ability to conform to all University regulations. Any violation of University policy while on Conduct Probation is more likely to result in more severe sanctions up to and including termination of housing contract, suspension or expulsion from the University. Conduct Probation does not include any other restrictions but may be combined with restrictions and loss of privileges and other sanctions. Additionally, other University offices and programs may consider conduct probation and restrict/deny participation of students including but not limited to participation in athletics, service as student organization leader, international study abroad, or other off-campus programs.
- d. Educational Requirements: A student may be required to do interviews, a research project, a reflection paper, University or community service or other type of assignment to provide a learning experience related to the violation. Examples include, but are not limited to, alcohol and other substance use online education. Educational programming may be hosted by, required of, and/or attended by a percentage of organization membership.
- e. Forfeit: Outcomes (e.g., a recorded win) of previous activities are struck from the record.
- f. Official Reprimand: A written warning that the continuation or repetition of unacceptable conduct may lead to further conduct action. In the case of student organizations, a copy of the official reprimand may be sent to its national organization if applicable.
- g. Referral: The student may be referred to an appropriate University service office or to an outside agency to assist that student in achieving personal, social, or emotional growth. Examples include, but are not limited to, a substance use assessment).

- h. Residence Hall Reassignment: A student may be relocated to another residence hall and subsequently restricted from the facility and/or the area of where the incident occurred.
- i. Restitution: A student or organization, whose actions cause damage to, defacing of or destruction of public or private property or injury to another person, may be required to provide monetary reimbursement for restoration of or replacement of property for medical bills related to injuries. In the case of an organization, each member of the organization may be held financially responsible through group billing.
- j. Restriction and Loss of Privileges: Denial or restriction of specified privileges (including contact with a specific person or persons) for a designated period of time.
- k. Restriction – Recreation Services: Suspension from use of or participation in Recreation Services facilities or programs for a pre-determined period of time.
- l. Revocation of Admission and/or Degree: Admission to or a degree awarded from Ball State University may be revoked for fraud, misrepresentation, or other violation of Ball State standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- m. Service Requirement: Participation in University or community service activities.
- n. Termination of Housing Contract: A student may have his/her room and board contract terminated and be required to vacate the residence hall. The student will be given at least 48 hours to vacate the residence halls. Any additional violation occurring prior to vacating the residence halls will be referred to the Office of Student Conduct. Students, who are under the age of 21, have not lived two semesters in the residence halls, and are freshmen will be referred to the Office of Student Conduct for possible additional disciplinary sanctions for violation of the residency requirement. Parents/guardians will be contacted when the housing contract is terminated.
- o. Trespass: A student may be prohibited from entering or being on the premises of specific locations, facilities or buildings or the entire campus.
- p. University Expulsion: Permanent termination of enrollment. Upon expulsion, the student is issued a trespass notice and may not be present on University property at any time or attend any University-sponsored event or activity without prior authorization by the OSC.
- q. University Suspension: Termination of enrollment indefinitely or for a specific period of time. During the period of suspension, the student may not attend or participate in any University-sponsored event or activity without prior authorization by the Office of the Dean of Students or designated office. Conditions of re-enrollment prior to or following a period of suspension may be determined by the OSC.
- r. Withdrawal of Recognition: Withdrawal of University recognition from a student (e.g., an award) or student organization and the privileges inherent in that recognition indefinitely or for a specific period of time.

5.8 Supportive Measures and Interim Suspension

5.8.1 Supportive Measures

- a. Should there be reasonable cause, the University may find it necessary to take interim measures before a formal decision is made in order to mitigate the effects of alleged misconduct and otherwise promote the safety of University community members. If a student fails to comply with the requirements of the supportive measure(s), the

University may take further actions as it deems necessary to ensure the safety of the campus community. Interim measures may include, but are not limited to:

- 1) mutual no contact instructions;
- 2) residential reassessments or removal;
- 3) changes to employment assignments;
- 4) changes to academic schedule;
- 5) counseling;
- 6) temporary delay of graduation or other academic progress;
- 7) restriction on the student's presence in University buildings, on University property, at University-sponsored events or activities, and/or use of the University's online resources.

- b. No contact instructions and other orders do not always involve actions that threaten the safety or operations of the University community.
- c. The dean of students or designee will make decisions on supportive measures after appropriate review. The director of Housing and Residence Life, or a designee, may initiate a residential move in cases concerning immediate safety. In the cases of alleged sexual misconduct (including but not limited to sexual harassment, sexual assault, domestic violence, dating violence, and stalking), interim housing moves will be made in consultation among the dean of students, director of housing and residence life, and the representative of the office investigating the complaint. They may also issue temporary no contact instructions under the same circumstances. The director of Housing and Residence Life, or a designee, will notify the dean of students, or a designee, in writing of any interim measures they initiate as soon as possible, but no later than the next business day. All interim measures described above will be documented in writing.

5.8.2 Interim Suspension

- a. When the behavior of a student poses a risk to the safety of or disruption to the effective operations of the University community, the University may place the student on an interim suspension. This action immediately suspends the student from all University premises and University-sponsored events or activities, including but not limited to, participation in online classes.
- b. The interim suspension will be decided by the dean of students, or a designee. The interim suspension remain in effect until such time as the alleged violations of the Ball State *Code* are resolved. The student will be notified of the interim suspension in writing by the dean of students, or a designee. Within two (2) business days of the notification of the interim suspension, the student may request a review of the interim suspension with the associate vice president for student affairs/director of housing and residence life, or designee. The request for review must be submitted in writing and include all relevant documentation the student wishes to be considered as part of the review. The purpose of the review is to determine only if the student poses an on-going threat.

- c. After a thorough and comprehensive review of the available information, the associate vice president for Student Affairs/director of Housing and Residence Life, or a designee, will then determine if the interim suspension remains in effect, is modified, or is rescinded. The associate vice president for Student Affairs/director of Housing and Residence Life, or a designee, may make their decision in consultation with other personnel. The decision on the review will be provided to the student in writing and is final.
- d. The dean of students, or a designee, will notify the student's faculty members of the interim suspension and any subsequent changes in that status. After the associate vice president for Student Affairs/director of Housing and Residence Life, or a designee, has made the initial decision on the student's request for review, and if the decision was to modify the original interim suspension (e.g., to allow the student to participate in classes remotely), the dean of students, or a designee, is authorized to make appropriate changes in the status of the interim suspension to implement that decision and to notify, if necessary, the student's faculty members of those changes.
- e. In extreme circumstances, the student may request an extension of the deadline to submit a request for review. Examples of such circumstances include, but are not limited to, hospitalization or incarceration. Students may be required to provide documentation related to their request for an extension.
- f. The outcome of the review will not impact the pending disciplinary process. If the associate vice president for Student Affairs/director of Housing and Residence Life, or a designee, upholds the interim suspension, the decision will remain in effect until the matter has been resolved through formal procedures including investigation and adjudication as needed. The student will be notified of the decision of the associate vice president for Student Affairs/director of Housing and Residence Life, or a designee, in writing within a reasonable time frame.
- g. If the final decision of the student conduct process is to suspend or expel the student, the sanction will take effect from the date of the interim suspension. If the decision is a reprimand or disciplinary probation, or if the student is found not to be in violation of the charges, for purposes of the record, the interim suspension will be deemed not to have occurred. The student has the right to appeal the final decision (see 5.6.6).

Exhibit B

Revised Definition of Harassment for 2025-2026 Version of the Code Effective August 1, 2025

4.1.1 Harassment: Harassment includes the following categories:

- 1) Sexual harassment as defined in the [Title IX policy](#) and the [Sexual Harassment and Misconduct policy](#).
- 2) Harassment on the basis of race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status, as outlined in the [Anti-Harassment policy](#).
- 3) Harassment is direct or indirect verbal, written, physical, or graphic conduct that: (a) is directed towards another person or identifiable group of persons but is not based on a protected category as described in the previous two paragraphs; (b) is severe, pervasive or persistent; and (c) has the purpose or effect of unreasonably creating an intimidating or hostile educational, work, or living environment, or preventing full access to a University-sponsored event or activity.

Exhibit C

Equal Opportunity Policy

Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting unlawful discrimination and providing equal opportunity to individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the program or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy to expand its efforts to guarantee equality of opportunity in employment.

The University President affirms the commitment to equal opportunity. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination, and with approval of the President, is authorized to make any necessary modifications to this policy for purposes of regulatory compliance.

To ensure equal opportunity and nondiscrimination, each member of the Ball State University community must understand the importance of this policy and his/her responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Students, employees, and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy and/or any other lawfully protected right.

Complaints regarding unlawful discrimination or retaliation should be filed within 300 calendar days following the alleged act or incident giving rise to the complaint with the Assistant Director of Equal Opportunity and ADA Coordinator in accordance with the Ball State University Equal Opportunity Complaint Investigation Procedure and Appeal Process. The University encourages the prompt filing of all complaints. A copy of this document may be obtained by contacting the Assistant Director of Equal Opportunity and ADA Coordinator. Any individual or group 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. 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 maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates.

Revised by the Board of Trustees July 24, 1998, July 19, 2013, July 17, 2015, November 14, 2022. Revised pursuant to delegation April 17, 2025.

Exhibit D

Anti-Harassment Policy

Unlawful harassment of students or employees at Ball State University on the basis race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This Policy is intended to complement the University's Equal Opportunity Policy.

The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This Policy will be construed and applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.

The term "unlawful harassment," as used in Paragraph 1 of this Policy, refers to verbal, physical, graphic or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute unlawful harassment under this Policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Unlawful harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.

Members of the University community and others who believe they have been unlawfully harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact Employee Relations. Formal complaints must be filed in Employee Relations within 300 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the *"Ball State University Equal Opportunity Complaint Investigation Procedure and Appeal Process."* A copy of this document may be obtained by contacting Employee Relations. Complaints involving students may instead be filed in the Division of Student Affairs, for handling under the procedures set forth in the Student Code.

Any University employee who becomes aware of conduct by another University employee, student, vendor or contractor which the employee reasonably believes constitutes unlawful harassment under this Policy shall report the conduct immediately to Employee Relations; or, if the harassment involves students, the conduct may instead be reported to the Division of Student Affairs. To knowingly file a false or malicious complaint or report of harassment is a violation of this policy.

*This Policy covers gender-based harassment that is non-sexual in nature. Sexual harassment is covered by a separate "Statement on Sexual Harassment."

Approved by the Board of Trustees December 18, 1998, July 19, 2013, and July 2015.
Revised January 2023. Revised April 17, 2025.

Exhibit E

BALL STATE UNIVERSITY

Equal Opportunity Complaint Investigation Procedure and Appeal Process

I. The Equal Opportunity Policy at Ball State University

Ball State University (“University”) is committed to the principles of nondiscrimination and equal opportunity in education and employment. Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting unlawful discrimination and providing equal opportunity to individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, protected veteran status, or any other legally protected status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the programs or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy and , seeks to expand its efforts to guarantee equality of opportunity in employment. In accordance with *Section 503 of the Rehabilitation Act of 1973* and the *Vietnam Era Veterans' Readjustment Assistance Act*, Affirmative action is taken to attract and recruit protected veterans, and qualified persons with disabilities. The University will hire, transfer, recruit, train, promote, assign work, compensate, layoff and/or terminate based upon the tenets of this policy.

The University President affirms the commitment to equal opportunity and accepts responsibility for the implementation of applicable affirmative action programs along with the vice presidents, deans, directors, and heads of units. All persons involved in the decision making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination and for implementation and coordination of the University’s affirmative action program. Information concerning the University’s affirmative action program can be obtained from the Director of Employee Relations

The University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates. As a part of this system, the President will review the University’s equal opportunity policy and program at least once each year, measure progress against the objectives stated in the affirmative action program, and report findings and conclusions to the Board of Trustees.

To ensure equal opportunity and nondiscrimination, each member of the University community must understand the importance of this policy and their responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Any individual or group 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.

Employees and job applicants, as well as students and applicants for admission to the University, shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy.

II. Informal Resolution Process

Individuals who believe that discrimination negatively affects their educational or work experience should feel free to discuss the matter with a faculty member, department chair, dean, or supervisor. In such situations, the complaining party may also request that the person consulted speak informally with the alleged offender(s), informing them of the details of the alleged discrimination in an attempt to resolve the matter. If this process does not resolve the matter to the individual's satisfaction, or if the individual does not wish to pursue informal resolution, they may file a formal complaint pursuant to the procedure set forth below.

III. Definitions

- A.** “Complainant” refers to an employee or job applicant who alleges that employment discrimination has been practiced against him/her in violation of University policy.

“Complainant” also refers to a student or applicant for admission who alleges that discrimination under an educational program or activity has been practiced against him/her in violation of University policy.

- B.** “Respondent” refers to a University employee, student, or agent who the Complainant alleges engaged in a discriminatory practice.
- C.** “Complaint” refers to a written complaint form filed by a Complainant alleging that an act or incident by a Respondent in their capacity as an employee, student, or agent of the University violated the *University’s Equal Opportunity Policy* and/or federal or state law.

D. “Assistant Director” refers to the Assistant Director of Equal Opportunity and ADA Coordinator of the University or their designee.

IV. Complaint Filing, Investigation, and Resolution Procedure

A. General Overview

The Complaint filing, investigation, and resolution procedure is intended to provide a vehicle within the University community for resolving claims of discrimination promptly and equitably. With this goal in mind, the Assistant Director is free to modify this procedure to the extent that they deem appropriate for a particular situation, e.g., by adding or bypassing steps and/or by including other University officials at any stage in the process.

Sexual Harassment Claims

Depending on the circumstances and individuals involved, some types of sexual harassment claims are subject to a separate set of procedures pursuant to the University’s Title IX policy and will be investigated and adjudicated under that policy, when applicable.

B. Filing a Complaint

Complaints regarding unlawful discrimination or retaliation should be filed within 300 calendar days following the alleged act or incident giving rise to the Complaint with the Assistant Director in accordance with the *Ball State University Equal Opportunity Complaint Investigation Procedure and Appeal Process*. The University encourages prompt filing of all complaints. Complaints filed beyond the 300 calendar days period will be deemed untimely unless the Assistant Director determines that the Complainant has shown there is good cause for the late filing.

Complaints should be filed on a *Complaint of Unlawful Discrimination* form. This form may be obtained from the Assistant Director and is also available on the University’s website. The Complainant must complete all sections of the Complaint form and should describe the alleged discrimination, in detail, in a narrative statement format, including dates, times, and locations the discrimination allegedly occurred, if known, and identify any witnesses to the described events, as well as provide any corroborating evidence that discrimination occurred such as documents or other communications.

During the pre-investigation evaluation period, the Assistant Director will determine if: the Complaint is timely filed; the situation described in the Complaint arose in the course of a University program or employment activity; the Complaint is directed against a University employee, student or agent; and, if

factually supported, the alleged conduct could constitute unlawful discrimination and/or retaliation. If the Complaint does not meet the above criteria or establish a violation of law or policy enforced by the University, the Assistant Director may close the case. However, the Respondent may still be subject to University action if the alleged conduct violates another University policy or is otherwise inappropriate.

Following the pre-investigation evaluation period, the Assistant Director or their designee may interview the Complainant, if necessary. If the Complainant is an employee, they may bring one other full-time University employee to the interview. If the Complainant is a student, they may bring either a parent, guardian, or a full-time University employee to the interview. At the discretion of the Assistant Director, if an individual files more than one complaint, the complaints may be combined when the best interest of all parties is served.

In the event that allegations involving the same or related circumstances are made through another University process, the Assistant Director may coordinate the investigation with the other University process so as to best utilize resources and to expedite a resolution for all persons involved.

C. Rights of the Respondent

After a Complaint has been filed and reviewed, the Assistant Director will inform the Respondent of the filing and provide them with a copy of the Complaint. In addition, the Assistant Director may request an interview with the Respondent to discuss subjects related to the Complaint's allegations. If the Respondent is an employee, they may bring one other full-time University employee to the interview. If the Respondent is a student, they may bring either a parent, guardian, or a full-time University employee to the interview. The Respondent will be requested by the Assistant Director to present their response to the alleged discriminatory act(s), conduct, or practice in a written narrative statement format. The Respondent will also be provided an opportunity to identify witnesses and present any corroborating evidence to counter the allegations. Under some circumstances, the Assistant Director may initiate other complaint investigatory procedures prior to informing the Respondent of the Complaint.

D. Interim/Remedial 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 pre-investigation evaluation period, as well as during the investigation and resolution of a Complaint. Upon receipt of a Complaint, the Assistant Director, in their discretion, may consult with other University officials and may initiate interim measures to address concerns regarding safety and well-being, and to facilitate the Complainant's and/or Respondent's continued access to University employment or education programs and activities. These measures

may be remedial or protective, or both. 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, paid administrative leave, or any other reasonably available measures that the Assistant Director and/or other University officials deem appropriate under the particular circumstances. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of such measures.

E. Retaliation

The Complainant and Respondent will be advised that any action by them, or any act of a third party on their behalf, for the purpose of retaliating against any person cooperating in the investigation of the Complaint is strictly prohibited under University policy and will result in separate disciplinary action against them up to and including termination.

F. Confidentiality

Every effort will be made to keep the investigation as confidential as possible. However, the University cannot promise that the identity of the Complainant, Respondent, or witnesses will be kept confidential. For example, the Respondent has the right to be informed of the Complaint and the material evidence against them, including the name(s) of their accuser(s); and it may also be necessary to identify the parties and to disclose some or all of the circumstances of the alleged discrimination when talking with witnesses during the investigation. In addition, the Assistant Director may inform other University officials and representatives of the identities of the parties and the circumstances of the alleged discrimination on a need-to-know basis. All parties will be advised to maintain the highest degree of confidentiality regarding the Complaint and, except as stated above, communications regarding the Complaint should be avoided with any potential witnesses or other University employees.

Further, when practicable, the Respondent and the Complainant should avoid face-to-face contact. If contact is necessary due to supervisory, reporting, or working relationships, no mention or discussion of the act, conduct, or practice related to the Complaint should occur. The Complainant will be protected against unlawful retaliation. The Complainant or any University employee or student who experiences or witnesses any acts constituting, or believed to constitute, unlawful retaliation must report them to the Assistant Director immediately.

G. Investigation

In conducting an investigation, the Assistant Director will perform various tasks, which may include but are not limited to interviewing potential witnesses and, if necessary, obtaining from them written and signed statements, and reviewing

files, records, and other relevant materials or evidence. Depending upon the nature of the case, it may not be necessary to interview every person whose name has been provided by either the Complainant or the Respondent. Both the Complainant and the Respondent must cooperate fully with the Assistant Director and/or other individual(s) involved in investigating the Complaint. The Assistant Director may establish additional procedures for the conduct of investigations in order to ensure that they are conducted in a fair and orderly manner, provided that such procedures shall not be inconsistent with the procedures stated in this policy. Under no circumstances is audio or other forms of recording allowed during any stage of the investigation.

In the event that allegations involving the same or related circumstances are made through another University process, the Assistant Director may coordinate the investigation with the other University process so as to best utilize resources and to expedite a resolution for all persons involved.

In addition, whenever the Assistant Director, who also acts as the University's ADA Coordinator, receives a Complaint alleging disability discrimination related to their decision making associated with the reasonable accommodation process, or other actions they allegedly engaged in which the Complainant believes are discriminatory in nature, the Complaint will be directed to the Associate Vice President for People and Culture to determine an alternative investigator.

H. Legal Counsel

The Complainant and the Respondent each have the right to hire an attorney to provide legal advice. However, the attorney may not participate in the investigation or in any interviews or meeting(s) involving either of the parties. Under no circumstances will the University pay or reimburse either of the parties for the fees and/or expenses of an attorney hired by one or both of the parties.

I. Findings and Recommendations of Assistant Director

At the conclusion of the investigation, the Assistant Director will issue a written report which contains findings and recommendations regarding the Complaint based on a preponderance of the evidence standard. Copies of the findings and recommendations will be provided to the Complainant and the Respondent (and, where appropriate, their supervisor and/or other University officials), informing them of the results of the investigation. If the Assistant Director recommends that disciplinary or other corrective action be taken against the Respondent, that recommendation will be referred to the Dean of Students (if the Respondent is a student) or the Respondent's supervisor and/or other appropriate University officials (if the Respondent is an employee), who will then determine the action, if any, to be taken. Disciplinary actions may be appealed only through regular University processes.

In the event that the investigation is coordinated through another University process, the regular documentation of that process shall serve as the notification of the findings and recommendations of the investigation.

V. Appeal Procedures

In the event either the Complainant or the Respondent disagrees with the findings and recommendations made by the Assistant Director, they may appeal to the Associate Vice President for People and Culture (“AVP P&C”) within 10 working days of receipt of the findings and recommendations.

There are two (2) permissible bases for appeal: (1) a claim of substantial failure by the Assistant Director to follow the above procedures so as to deny a fair review of the Complaint and/or (2) a claim that the Assistant Director’s decision is arbitrary, capricious, or wholly unsupported by the evidence. If a request for an appeal is submitted beyond ten (10) working days or without specificity as to the basis for the appeal, it will be dismissed without review.

If a request for an appeal is submitted in a timely manner and with an appropriate claim of a basis for appeal, the AVP P&C will review the request. At the sole discretion of the AVP P&C, a determination will be made regarding the disposition of the request for appeal. The AVP P&C may review the request for appeal, may refer the request for appeal to the University’s Complaint/Grievance Appeals Board for review and recommendation, or may select another route of review if necessary. Under all circumstances, the AVP P&C shall make the final determination of the appeal. There are no appeal procedures beyond the appeal to the AVP P&C.

In the event that the investigation is coordinated through another University process, the regular appeal or review mechanism for that process shall serve as the appeal function for the outcome of the investigation.

Exhibit F - Prior Version

26. EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION POLICY

Ball State University is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting discrimination and being inclusive of individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, or protected veteran status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the program or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy and, through its affirmative action program, seeks to expand its efforts to guarantee equality of opportunity in employment. Affirmative action is taken to attract and recruit diversity, including underrepresented minority groups, females, protected veterans or individuals with disabled veteran status, and otherwise qualified persons with disabilities. Ball State will hire, transfer, recruit, train, promote, assign work, compensate, layoff and/or terminate based upon the tenets of this policy.

The University President affirms the commitment to equal opportunity and accepts responsibility for the implementation of the affirmative action program along with the vice presidents, deans, directors and heads of units. All persons involved in the decision-making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations and Affirmative Action has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination and for implementation and coordination of the University's affirmative action program. Information concerning the University's affirmative action program can be obtained from the Director of Employee Relations and Affirmative Action, Ball State University, Muncie, IN 47306.

To ensure equal employment opportunity and nondiscrimination, each member of the Ball State University community must understand the importance of this policy and his/her responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Students, employees, and applicants shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy and/or any other lawfully protected right.

Complaints regarding unlawful discrimination or retaliation should be filed within 300 calendar days following the alleged act or incident giving rise to the complaint with the Assistant Director of Institutional Equity and Affirmative Action in accordance with the Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process. The University encourages the prompt filing of all complaints. A copy of this document may be obtained by contacting the Assistant Director of Institutional Equity and Affirmative Action. Any individual or group 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. 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 maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates. As a part of this system, the President will review the University's equal opportunity and

affirmative action policy and program at least once each year, measure progress against the objectives stated in the affirmative action program, and report findings and conclusions to the Board of Trustees.

Revised by the Board of Trustees July 24, 1998, July 19, 2013, July 17, 2015, November 14, 2022.

Exhibit G - Prior Version

30. ANTI-HARASSMENT POLICY

- 30.1. Harassment of students or employees at Ball State University on the basis of race, color, national origin, ancestry, religion, creed, gender*, sexual orientation, gender identity/gender expression, age or physical or mental disability is unacceptable and will not be tolerated. Such conduct is inconsistent with the University's commitments to excellence and to respect for all individuals. This Policy is intended to complement the University's Equal Opportunity and Affirmative Action Policy.
- 30.2. The University is also committed to protecting the academic freedom and freedom of expression of all members of the University community. This Policy will be construed and applied in a manner that protects the academic freedom and freedom of expression of all parties to a complaint. Academic freedom and freedom of expression include but are not limited to the expression of ideas, philosophies, or religious beliefs, however controversial, in classroom or other academic settings.
- 30.3. The term "harassment," as used in Paragraph 1 of this Policy, refers to verbal, physical, graphic or written conduct that has the purpose or effect of creating a hostile or intimidating environment; i.e., conduct which is sufficiently severe, pervasive, or persistent that it interferes significantly with an individual's employment, education, or living conditions. The conduct alleged to constitute harassment under this Policy will be evaluated from the perspective of a reasonable person similarly situated to the complainant and considering all of the facts and circumstances. Harassment must be distinguished from behavior which, even though unpleasant or disconcerting, is appropriate to the carrying out of instructional, advisory, or supervisory responsibilities. Instructional responsibilities, in particular, require appropriate latitude for pedagogical decisions concerning the topics discussed and methods used to draw students into discussion and full participation.
- 30.4. Members of the University community and others who believe they have been harassed in violation of this Policy by University employees or students, or by contractors or vendors serving the University, may contact Employee Relations & Affirmative Action. Formal complaints must be filed in Employee Relations & Affirmative Action within 300 calendar days following the occurrence of the act, incident, conduct, or pattern of conduct constituting the alleged violation. Such complaints will be processed under the "Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process." A copy of this document may be obtained by contacting the Employee Relations & Affirmative Action. Complaints involving students may instead be filed in the Division of Student Affairs, for handling under the procedures set forth in the Student Code.
- 30.5. Any University employee who becomes aware of conduct by another University employee, student, vendor or contractor which the employee reasonably believes constitutes harassment under this Policy shall report the conduct immediately to Employee Relations & Affirmative Action; or, if the harassment involves students, the conduct may instead be reported to the Division of Student Affairs. To knowingly file a false or malicious complaint or report of harassment is a violation of this policy.

*This Policy covers gender-based harassment that is non-sexual in nature. Sexual harassment is covered by a separate [Statement on Sexual Harassment](#).

Exhibit H - Prior Version

BALL STATE UNIVERSITY

Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process

I. The Equal Opportunity and Affirmative Action Policy at Ball State University

Ball State University (“University”) is committed to the principles of nondiscrimination and equal opportunity in education and employment. Further, the University is committed to the pursuit of excellence by prohibiting discrimination and being inclusive of individuals without regard to race, religion, color, sex (including pregnancy), sexual orientation, gender identity or gender expression, disability, genetic information, ethnicity, national origin or ancestry, age, or protected veteran status. This commitment enables the University to provide qualified individuals access to all academic and employment programs on the basis of demonstrated ability without regard to personal factors that are irrelevant to the programs or job requirements involved.

The University assigns a high priority to the implementation of this equal opportunity policy and, through its affirmative action program, seeks to expand its efforts to guarantee equality of opportunity in employment. Affirmative action is taken to attract and recruit diversity, including underrepresented minority groups, females, protected veterans or individuals with disabled veteran status, and otherwise qualified persons with disabilities. The University will hire, transfer, recruit, train, promote, assign work, compensate, layoff and/or terminate based upon the tenets of this policy.

The University President affirms the commitment to equal opportunity and accepts responsibility for the implementation of the affirmative action program along with the vice presidents, deans, directors, and heads of units. All persons involved in the decision making process, including members of faculty and other employee committees, shall act in a nondiscriminatory manner. The Director of Employee Relations and Affirmative Action has been specifically designated to be responsible for overall compliance with all federal and state laws and regulations regarding nondiscrimination and for implementation and coordination of the University’s affirmative action program. Information concerning the University’s affirmative action program can be obtained from the Director of Employee Relations and Affirmative Action, Ball State University, Muncie, IN 47306.

The University maintains an audit and reporting system to determine overall compliance with its equal employment opportunity mandates. As a part of this system, the President will review the University’s equal opportunity and affirmative action policy and program at least once each year, measure progress against the objectives stated in the affirmative action program, and report findings and conclusions to the Board of Trustees.

To ensure equal employment opportunity and nondiscrimination, each member of the University community must understand the importance of this policy and their responsibilities to contribute to its success. This policy seeks to encourage the reporting of incidents so they may be addressed. Any individual or group 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.

Employees and job applicants, as well as students and applicants for admission to the University, shall not be subjected to harassment, intimidation, threats, coercion, discrimination, or retaliation because they have engaged or may engage in any of the following: 1) filing a complaint; 2) assisting or participating in an investigation, compliance review, hearing, or any other activity related to the administration of any federal, state, or local law requiring equal employment opportunity; 3) opposing an act or practice deemed unlawful by a federal, state, or local law requiring equal employment opportunity; or 4) exercising any right according to this policy.

II. Informal Resolution Process

Individuals who believe that discrimination negatively affects their educational or work experience should feel free to discuss the matter with a faculty member, department chair, dean, or supervisor. In such situations, the complaining party may also request that the person consulted speak informally with the alleged offender(s) informing them of the details of the alleged discrimination in an attempt to resolve the matter. If this process does not resolve the matter to the individual's satisfaction, or if the individual does not wish to pursue informal resolution, they may file a formal complaint pursuant to the procedure set forth below.

III. Definitions

- A.** “Complainant” refers to an employee or job applicant who alleges that employment discrimination has been practiced against him/her in violation of University policy.

“Complainant” also refers to a student or applicant for admission who alleges that discrimination under an educational program or activity has been practiced against him/her in violation of University policy.

- B.** “Respondent” refers to a University employee, student, or agent who the Complainant alleges engaged in a discriminatory practice.
- C.** “Complaint” refers to a written complaint form filed by a Complainant alleging that an act or incident by a Respondent in their capacity as an employee, student, or agent of the University violated the *University’s Equal Opportunity and Affirmative Action Policy* and/or federal or state law.

D. “Assistant Director” refers to the Assistant Director of Institutional Equity and Affirmative Action of the University or their designee.

IV. Complaint Filing, Investigation, and Resolution Procedure

A. General Overview

The Complaint filing, investigation, and resolution procedure is intended to provide a vehicle within the University community for resolving claims of discrimination promptly and equitably. With this goal in mind, the Assistant Director is free to modify this procedure to the extent that they deem appropriate for a particular situation, e.g., by adding or bypassing steps and/or by including other University officials at any stage in the process.

Sexual Harassment Claims

Depending on the circumstances and individuals involved, some types of sexual harassment claims are subject to a separate set of procedures pursuant to the University’s Title IX policy and will be investigated and adjudicated under that policy, when applicable.

B. Filing a Complaint

Complaints regarding unlawful discrimination or retaliation should be filed within 300 calendar days following the alleged act or incident giving rise to the Complaint with the Assistant Director in accordance with the *Ball State University Equal Opportunity and Affirmative Action Complaint Investigation Procedure and Appeal Process*. The University encourages prompt filing of all complaints. Complaints filed beyond the 300 calendar days period will be deemed untimely unless the Assistant Director determines that the Complainant has shown there is good cause for the late filing.

Complaints should be filed on a *Complaint of Unlawful Discrimination* form. This form may be obtained from the Assistant Director and is also available on the University’s website. The Complainant must complete all sections of the Complaint form and should describe the alleged discrimination, in detail, in a narrative statement format, including dates, times, and locations the discrimination allegedly occurred, if known, and identify any witnesses to the described events, as well as provide any corroborating evidence that discrimination occurred such as documents or other communications.

During the pre-investigation evaluation period, the Assistant Director will determine if: the Complaint is timely filed; the situation described in the Complaint arose in the course of a University program or employment activity; the Complaint is directed against a University employee, student or agent; and, if

factually supported, the alleged conduct could constitute unlawful discrimination and/or retaliation. If the Complaint does not meet the above criteria or establish a violation of law or policy enforced by the University, the Assistant Director may close the case. However, the Respondent may still be subject to University action if the alleged conduct violates another University policy or is otherwise inappropriate.

Following the pre-investigation evaluation period, the Assistant Director or their designee may interview the Complainant, if necessary. If the Complainant is an employee, they may bring one other full-time University employee to the interview. If the Complainant is a student, they may bring either a parent, guardian or a full-time University employee to the interview. At the discretion of the Assistant Director, if an individual files more than one complaint, the complaints may be combined when the best interest of all parties is served.

In the event that allegations involving the same or related circumstances are made through another University process, the Assistant Director may coordinate the investigation with the other University process so as to best utilize resources and to expedite a resolution for all persons involved.

C. Rights of the Respondent

After a Complaint has been filed and reviewed, the Assistant Director will inform the Respondent of the filing and provide them with a copy of the Complaint. In addition, the Assistant Director may request an interview with the Respondent to discuss subjects related to the Complaint's allegations. If the Respondent is an employee, they may bring one other full-time University employee to the interview. If the Respondent is a student, they may bring either a parent, guardian, or a full-time University employee to the interview. The Respondent will be requested by the Assistant Director to present their response to the alleged discriminatory act(s), conduct, or practice in a written narrative statement format. The Respondent will also be provided an opportunity to identify witnesses and present any corroborating evidence to counter the allegations. Under some circumstances the Assistant Director may initiate other complaint investigatory procedures prior to informing the Respondent of the Complaint.

D. Interim/Remedial 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 pre-investigation evaluation period, as well as during the investigation and resolution of a Complaint. Upon receipt of a Complaint, the Assistant Director, in their discretion, may consult with other University officials and may initiate interim measures to address concerns regarding safety and well-being, and to facilitate the Complainant's and/or Respondent's continued access to University employment or education programs and activities. These measures

may be remedial or protective, or both. 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, paid administrative leave, or any other reasonably available measures that the Assistant Director and/or other University officials deem appropriate under the particular circumstances. The University will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of such measures.

E. Retaliation

The Complainant and Respondent will be advised that any action by them, or any act of a third party on their behalf, for the purpose of retaliating against any person cooperating in the investigation of the Complaint is strictly prohibited under University policy and will result in separate disciplinary action against them up to and including termination.

F. Confidentiality

Every effort will be made to keep the investigation as confidential as possible. However, the University cannot promise that the identity of the Complainant, Respondent, or witnesses will be kept confidential. For example, the Respondent has the right to be informed of the Complaint and the material evidence against them, including the name(s) of their accuser(s); and it may also be necessary to identify the parties and to disclose some or all of the circumstances of the alleged discrimination when talking with witnesses during the investigation. In addition, the Assistant Director may inform other University officials and representatives of the identities of the parties and the circumstances of the alleged discrimination on a need-to-know basis. All parties will be advised to maintain the highest degree of confidentiality regarding the Complaint and, except as stated above, communications regarding the Complaint should be avoided with any potential witnesses or other University employees.

Further, when practicable, the Respondent and the Complainant should avoid face to-face contact. If contact is necessary due to supervisory, reporting, or working relationships, no mention or discussion of the act, conduct, or practice related to the Complaint should occur. The Complainant will be protected against unlawful retaliation. The Complainant or any University employee or student who experiences or witnesses any acts constituting, or believed to constitute, unlawful retaliation must report them to the Assistant Director immediately.

G. Investigation

In conducting an investigation, the Assistant Director will perform various tasks, which may include but are not limited to interviewing potential witnesses and, if necessary, obtaining from them written and signed statements, and reviewing

files, records, and other relevant materials or evidence. Depending upon the nature of the case, it may not be necessary to interview every person whose name has been provided by either the Complainant or the Respondent. Both the Complainant and the Respondent must cooperate fully with the Assistant Director and/or other individual(s) involved in investigating the Complaint. The Assistant Director may establish additional procedures for the conduct of investigations in order to ensure that they are conducted in a fair and orderly manner, provided that such procedures shall not be inconsistent with the procedures stated in this policy. Under no circumstances is audio or other forms of recording allowed during any stage of the investigation.

In the event that allegations involving the same or related circumstances are made through another University process, the Assistant Director may coordinate the investigation with the other University process so as to best utilize resources and to expedite a resolution for all persons involved.

In addition, whenever the Assistant Director, who also acts as the University's ADA Coordinator, receives a Complaint alleging disability discrimination related to their decision making associated with the reasonable accommodation process, or other actions they allegedly engaged in which the Complainant believes are discriminatory in nature, the Complaint will be directed to the Associate Vice President for People and Culture to determine an alternative investigator.

H. Legal Counsel

The Complainant and the Respondent each have the right to hire an attorney to provide legal advice. However, the attorney may not participate in the investigation or in any interviews or meeting(s) involving either of the parties. Under no circumstances will the University pay or reimburse either of the parties for the fees and/or expenses of an attorney hired by one or both of the parties.

I. Findings and Recommendations of Assistant Director

At the conclusion of the investigation, the Assistant Director will issue a written report which contains findings and recommendations regarding the Complaint based on a preponderance of the evidence standard. Copies of the findings and recommendations will be provided to the Complainant and the Respondent (and, where appropriate, their supervisor and/or other University officials), informing them of the results of the investigation. If the Assistant Director recommends that disciplinary or other corrective action be taken against the Respondent, that recommendation will be referred to the Dean of Students (if the Respondent is a student) or the Respondent's supervisor and/or other appropriate University officials (if the Respondent is an employee), who will then determine the action, if any, to be taken. Disciplinary actions may be appealed only through regular University processes.

In the event that the investigation is coordinated through another University process, the regular documentation of that process shall serve as the notification of the findings and recommendations of the investigation.

V. Appeal Procedures

In the event either the Complainant or the Respondent disagrees with the findings and recommendations made by the Assistant Director, they may appeal to the Associate Vice President for People and Culture (“AVP P&C”) within 10 working days of receipt of the findings and recommendations.

There are two (2) permissible bases for appeal: (1) a claim of substantial failure by the Assistant Director to follow the above procedures so as to deny a fair review of the Complaint and/or (2) a claim that the Assistant Director’s decision is arbitrary, capricious, or wholly unsupported by the evidence. If a request for an appeal is submitted beyond ten (10) working days or without specificity as to the basis for the appeal, it will be dismissed without review.

If a request for an appeal is submitted in a timely manner and with an appropriate claim of a basis for appeal, the AVP P&C will review the request. At the sole discretion of the AVP P&C, a determination will be made regarding the disposition of the request for appeal. The AVP P&C may review the request for appeal, may refer the request for appeal to the University’s Complaint/Grievance Appeals Board for review and recommendation, or may select another route of review if necessary. Under all circumstances the AVP P&C shall make the final determination of the appeal. There are no appeal procedures beyond the appeal to the AVP P&C.

In the event that the investigation is coordinated through another University process, the regular appeal or review mechanism for that process shall serve as the appeal function for the outcome of the investigation.

Exhibit I

Ball State University Non-Commercial Expressive Activity and Assembly on University Property

Please direct questions about this policy to the Vice President for Student Affairs

Ball State University (the “University”) values the constitutional rights to engage in free speech and to assemble for peaceful purposes. Expressive activities may take many forms, and the freedom to engage in expressive activities foster the robust exchange of ideas essential to academic and social growth. The University must also preserve its Campus and Facilities for their teaching, learning, research, and administrative purposes while providing a safe Campus environment and preserving the Campus aesthetic.

This policy outlines the University’s regulations regarding Non-Commercial expressive activity and assembly on the University’s Campus or in University Facilities. It sets forth reasonable time, place, and manner regulations that apply to all students, employees, visitors, and other individuals while on Campus.

This policy does not replace, but supplements, applicable federal, state, and local laws and regulations.

Regulations governing Commercial activity on Campus appear in the *Commercial Activity on University Property* policy.

1. Definitions

- 1.1. **Campus:** All Facilities and land owned, leased, or under the control of the University.
- 1.2. **Campus Reservationist:** The University employee who reserves space in a particular building or outdoor space. Recognized Student Organizations typically will go through the Student Center Facilities Coordinator regardless of the venue. Other persons typically will reserve space through a different employee (e.g., the Director of Emens Auditorium and Pruis Hall, the Special Events Manager for Sports Facilities Management, or the Facilities Accounting/Space Coordinator for buildings and/or outdoor space not served by an assigned reservationist).
- 1.3. **Commercial:** When referring to expressive conduct, “Commercial” means expressive conduct that (1) proposes a commercial transaction, (2) serves an economic motivation by advertising a product or service, or (3) serves an economic motivation by promoting a company, product, or service’s brand awareness or brand loyalty.
- 1.4. **Distribution Activity:** Giving out printed materials, goods, or services without requesting, directly or indirectly, a donation or other consideration in return.
- 1.5. **Facilities:** All buildings, other structures (e.g., parking garages, stadium, light posts, statues), or defined outdoor spaces (e.g., University Green, the North Quad, Lafollette Field, vendor tables at the Scramble Light, Noyer Bowl) owned, leased, or under the control of the University.
- 1.6. **Non-Affiliated Persons:** Any person, organization, or other entity that is not a University-Affiliated Person.

- 1.7. **Non-Commercial:** When referring to expressive conduct, “Non-Commercial” means all expressive conduct that is not Commercial.
- 1.8. **Recognized Student Organization:** A student organization properly registered and recognized by the Office of Student Life.
- 1.9. **University:** Ball State University, inclusive of its University Departments.
- 1.10. **University-Affiliated Persons:** All students, faculty, employees, or agents of the University.
- 1.11. **University Department:** A Ball State University school, college, department, unit, institute, center, or officially recognized affiliated entity.

2. Prohibited Expressive Activities

Some forms of expressive activity, or conduct having an expressive component, are not constitutionally protected. The following expressive activities are prohibited on Campus and in University Facilities:

- 2.1. Violations of state or federal law
- 2.2. Physical damage to or defacement of Campus or University Facilities
- 2.3. A true threat, which is a statement meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence against a particular individual or particular group of individuals
- 2.4. Expression directed to inciting or producing imminent lawless action and likely to incite or produce such action
- 2.5. A false statement of fact creating a clear and present danger by raising an alarm of imminent physical danger
- 2.6. Expression determined by a court to be defamation
- 2.7. Harassment, which may take two forms:
 - 2.7.1. Speech or conduct that is (1) unwelcome and (2) directed toward a person (3) on the basis of that person’s membership or perceived membership in a protected class (4) that is so severe, pervasive, and objectively offensive that (5) it effectively deprives the victim of access to the educational opportunities or other benefits provided by the University.
 - 2.7.2. Speech or conduct explicitly or implicitly conditioning a person’s participation in a University program or activity on, or basing an educational decision on, the person’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.

2.8. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.

3. Time, Place, and Manner Regulations

Consistent with applicable state and federal law, the University generally permits both University-Affiliated Persons and Non-Affiliated Persons to engage in Non-Commercial expressive activity on Campus subject to the reasonable time, place, and manner regulations listed below. Only the Vice President for Student Affairs, or designee, may grant an exception to these time, place, and manner regulations if such an exception would not be injurious to public health and safety. Any exception granted will be in a viewpoint neutral manner.

3.1. No person or group may interfere with the free flow of vehicular, bicycle, or pedestrian traffic on Campus or in any University Facility.

3.2. No person or group may block entrances to or exits from, or otherwise interfere with the free flow of traffic into and out of, University Facilities.

3.3. No person or group may disrupt teaching, research, administration, disciplinary procedures, or any other University functions.

3.4. Assemblies, protests, or other demonstrations are prohibited in the following locations:

3.4.1. Within 50 feet of any building having a classroom, laboratory, library, or similar instructional or research space

3.4.2. Within 50 feet of any indoor or outdoor experiential-learning Facility

3.4.3. Within 50 feet of any building having a computer lab

3.4.4. Within 50 feet of any building having a testing or tutoring center

3.4.5. Within 50 feet of any building having an administrative office

3.4.6. Within 50 feet of any residence hall, family apartment, or other University residence

Assemblers, protesters, or demonstrators who refuse to vacate any of the locations listed in this subsection upon request may be subject to suspension and/or arrest under applicable laws.

3.5. Expressive activities that are audible from inside a residence hall, family apartment, or other University residence are prohibited between the hours of 11:00 p.m. and 9:00 a.m. Sunday through Thursday and between 1:00 a.m. to 10:00 a.m. on Friday and Saturday. Expressive activities that are audible from inside a residence hall, family apartment, or other University residence are prohibited all day during finals week each semester.

3.6. Amplification equipment may be used on Campus only with prior approval of the Campus Reservationist. Requests should be initiated through the Campus Reservationist at least three business days prior to the event. Requests will be granted only if the proposed use complies with the following restrictions.

3.6.1. Use of amplification equipment is prohibited if the amplified sound is audible from inside any classroom, library, laboratory, or similar instructional or research space during scheduled instructional hours. Requests to use amplification equipment must explain why the requesting party believes its proposed use will not violate this restriction.

3.6.2. The University may control the volume and direction of sound amplification if noise levels are interfering with a previously scheduled event or University function.

Use of amplification equipment without the approval required under this subsection, or an approved use that violates the restrictions in this subsection, is prohibited.

3.7. Distribution Activity is permitted on Campus if it does not violate any other provision in this policy and subject to the following regulations.

3.7.1. Recognized Student Organizations and University Departments and may reserve tables for Distribution Activity based on availability through the Campus Reservationist.

3.7.2. Non-Affiliated Persons may not reserve tables for Distribution Activity and may not bring tables onto Campus except as permitted under Section 3.18.

3.8. University-Affiliated Persons are permitted to post materials on bulletin boards and outdoor kiosks on Campus, unless the bulletin board or outdoor kiosk is designated for University purposes. To avoid damage and to assist with the overall aesthetic of the Campus, materials may not be posted or otherwise attached to any other University property. Materials advertising events that have passed, that cover more than ten percent of an entire bulletin board or outdoor kiosk, or that violate this provision or any University policy may be subject to immediate removal. In addition, all postings on outdoor kiosks are removed at the end of each academic year. Non-Affiliated Persons may not post materials on Campus.

3.9. No person or group may prevent any University official or employee from carrying out the official or employee's job duties.

3.10. No person may access nonpublic areas of Campus, or of any University Facility, without authorization. Non-public areas include, but are not limited to, classrooms, laboratories, libraries, faculty and administrative offices, recreational facilities, and University residence halls, family apartments, and other University residences.

3.11. Access to University residence halls, family apartments, and other University residences is limited to residents and their escorted guests (subject to any Housing and Residence Life policies) and to individuals conducting official University business.

- 3.12.** No person may camp or lodge on Campus other than in Facilities designated by the University for overnight lodging.
- 3.13.** No person may climb up or rappel down any University Facility or Campus structure without authorization.
- 3.14.** No person may erect any temporary or permanent structure or sign on Campus unless directed to by the University. Handheld signs are permitted only if they do not violate any other provision in this policy.
- 3.15.** No person may scratch, scrape, stain, tape, graffiti, paint, chalk, or otherwise mark a University building or other structure. Chalking is allowed only on campus sidewalks or walkways that can be easily washed away by rain and that will not cause lasting or permanent damage. Chalking is not allowed on any brick pavers, on steps or stairs attached to or leading toward any buildings, under any covered area (where the chalk will not be washed away by rainfall), or within 10 feet of any door or building entrance. Only water-soluble stick chalk (sidewalk chalk) is allowed. No spray chalk, chalk markers, paints, or similar products may be used.
- 3.16** The University Facilities listed below have dedicated purposes and require a reservation (and may require payment of rental fees) for any other uses. Information about reserving University Facilities may be obtained by contacting the Campus Reservationist.

3.16.1. Alumni Center

3.16.2. All Athletic Facilities

3.16.3. Recreation Services

3.16.4. Emens Auditorium and Pruis Hall

3.16.5. L.A. Pittenger Student Center

3.16.6. Residence Halls Multipurpose Rooms

3.16.7. Multicultural Center Multipurpose Room and Conference Room

3.16.8. University Dining (The Atrium)

3.16.9. Brown Family Amphitheater and Lawn

- 3.17.** The University is a tax-exempt state educational institution. In order to maintain this status, the University may not participate or intervene in any political campaign or permit its resources to be used in a manner that suggests institutional support for any political party or candidate. To protect the University's tax-exempt status, the University must regulate political activity on Campus. Political activity is permitted on Campus to the same extent other Non-Commercial expressive activity is permitted under this policy and subject to the following regulations.

3.17.1. University students, faculty, and staff who participate in political activities, support candidates, or become candidates for public office must do so in their individual capacity without using the University's name or trademarks or otherwise implying University support for any political party or candidate.

3.17.2. No University funds or resources, including information-technology systems like University email, may be used to support any partisan political activity. University funds and resources may be used to support non-partisan voter-education and voter-registration activities. Those activities must be conducted in an unbiased manner that neither favors nor opposes a particular candidate or political party.

3.17.3. Political parties or organizations may rent University Facilities for meeting purposes on the same terms as other Non-Affiliated Persons and subject to the limitations in this subsection.

3.17.4. Political fundraising is not permitted on campus.

3.18. Non-Affiliated Persons may engage in Non-Commercial expressive activity, including Distribution Activity, using tables, booths, or other apparatus between 7:00 a.m. and 11:00 p.m. in an area designated by the University for Commercial or Non-Commercial expressive activity during the seven calendar days preceding the fall and spring semesters, the seven days preceding the first summer session, and the first day of the fall and spring semesters and first summer session.

3.18.1. Space during this approved period is available on a first-come, first-served basis by registering with the Student Center Campus Reservationist at any time during the eight-week period preceding the desired use.

3.18.2. The University will impose rental fees in a content-neutral manner.

4. Sanctions

The University may sanction individuals or groups who violate this policy, including engaging in conduct that materially and substantially disrupts the protected expressive activity of another employee, student, student organization, or contractor of the University. Possible sanctions include:

- 4.1.** Immediate cessation of the expressive activity;
- 4.2.** Removal from Campus;
- 4.3.** Suspension of the sponsoring individual or group from hosting, or participating in, future events on Campus;
- 4.4.** Placing a Recognized Student Organization on probation or withdrawing recognition;
- 4.5.** Assessment of costs for expenses or damages incurred by the University;
- 4.6.** Suspension or revocation of scheduling privileges;

- 4.7.** Disciplinary action up to and including dismissal from the University; and/or
- 4.8.** If applicable, criminal liability.

Any questions concerning the interpretation or application of this policy shall be submitted to the designee of the Vice President for Student Affairs. The question shall be submitted in writing by the person affected and must set forth all facts and other information that the person believes to be relevant to the resolution of the question. The Vice President for Student Affairs or a designee may conduct such investigation of the circumstances involved as deemed desirable and shall render a decision in writing. Any person who is informed that the person's conduct violates this policy shall immediately cease the violation. An appeal may be taken from the interpretive decision made under this paragraph.

5. Appeals

Appeals may be taken under this policy subject to the following procedures:

- 5.1.** University actions may be appealed under this policy as follows.
 - 5.1.1.** Any sanction issued under this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.2.** Interpretive decisions issued under Section 4 of this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.3.** The removal of any content from University information-technology systems under the Information Technology Users' Privileges and Responsibilities policy may be appealed to the Vice President for Information Technology and Chief Information Officer.
- 5.2.** Any appeal must be submitted in writing within ten (10) business days after the challenged sanction was imposed or the challenged interpretive decision was issued.
- 5.3.** The written appeal must include the name(s) and address(es) of the individual(s) or group(s) that received the challenged sanction or interpretive decision, the nature of the action being appealed, and the grounds for the appeal.
- 5.4.** Review of the appeal shall include the following:
 - 5.4.1.** The materials submitted by the appellant;
 - 5.4.2.** The basis or grounds for the University action, and any related information; and
 - 5.4.3.** Any additional information requested by the University official or designee deciding the appeal.
- 5.5.** A final decision on the appeal shall be issued in writing within five (5) business days after the date the written appeal is filed, unless there is good cause for delay. The person filing the appeal will be notified in writing of any delays.

6. Amendment

This policy may be amended, added to, or revoked, in whole or in part, by the President of the University as the President from time to time may deem appropriate. Any such amendment, addition, or revocation shall be effective as determined by the President and does not require approval by the Board of Trustees unless the action is inconsistent with any then-existing policy of the Board of Trustees.

7. Disclaimer

In making its Campus available for use under this policy, the University assumes no obligation or responsibility for the activities of any Non-Affiliated Person or any University-Affiliated Person engaged in expression on Campus. The University reminds all users to review and comply with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

Adopted May 6, 2022

Revised June 14, 2024

Revised May 12, 2025

Exhibit J - Prior Version

Ball State University Non-Commercial Expressive Activity and Assembly on University Property

Please direct questions about this policy to the Vice President for Student Affairs

Ball State University (the “University”) values the constitutional rights to engage in free speech and to assemble for peaceful purposes. Expressive activities may take many forms, and the freedom to engage in expressive activities foster the robust exchange of ideas essential to academic and social growth. The University must also preserve its Campus and Facilities for their teaching, learning, research, and administrative purposes while providing a safe Campus environment and preserving the Campus aesthetic.

This policy outlines the University’s regulations regarding Non-Commercial expressive activity and assembly on the University’s Campus or in University Facilities. It sets forth reasonable time, place, and manner regulations that apply to all students, employees, visitors, and other individuals while on Campus.

This policy does not replace, but supplements, applicable federal, state, and local laws and regulations.

Regulations governing Commercial activity on Campus appear in the *Commercial Activity on University Property* policy.

1. Definitions

- 1.1. **Campus:** All Facilities and land owned, leased, or under the control of the University.
- 1.2. **Campus Reservationist:** The University employee who reserves space in a particular building or outdoor space. Recognized Student Organizations typically will go through the Student Center Facilities Coordinator regardless of the venue. Other persons typically will reserve space through a different employee (e.g., the Director of Emens Auditorium and Pruis Hall, the Special Events Manager for Sports Facilities Management, or the Facilities Accounting/Space Coordinator for buildings and/or outdoor space not served by an assigned reservationist).
- 1.3. **Commercial:** When referring to expressive conduct, “Commercial” means expressive conduct that (1) proposes a commercial transaction, (2) serves an economic motivation by advertising a product or service, or (3) serves an economic motivation by promoting a company, product, or service’s brand awareness or brand loyalty.
- 1.4. **Distribution Activity:** Giving out printed materials, goods, or services without requesting, directly or indirectly, a donation or other consideration in return.
- 1.5. **Facilities:** All buildings, other structures (e.g., parking garages, stadium, light posts, statues), or defined outdoor spaces (e.g., University Green, the North Quad, Lafollette Field, vendor tables at the Scramble Light, Noyer Bowl) owned, leased, or under the control of the University.
- 1.6. **Non-Affiliated Persons:** Any person, organization, or other entity that is not a University-Affiliated Person.

- 1.7. **Non-Commercial:** When referring to expressive conduct, “Non-Commercial” means all expressive conduct that is not Commercial.
- 1.8. **Recognized Student Organization:** A student organization properly registered and recognized by the Office of Student Life.
- 1.9. **University:** Ball State University, inclusive of its University Departments.
- 1.10. **University-Affiliated Persons:** All students, faculty, employees, or agents of the University.
- 1.11. **University Department:** A Ball State University school, college, department, unit, institute, center, or officially recognized affiliated entity.

2. Prohibited Expressive Activities

Some forms of expressive activity, or conduct having an expressive component, are not constitutionally protected. The following expressive activities are prohibited on Campus and in University Facilities:

- 2.1. Violations of state or federal law
- 2.2. Physical damage to or defacement of Campus or University Facilities
- 2.3. A true threat, which is a statement meant by the speaker to communicate a serious expression of intent to commit an act of unlawful violence against a particular individual or particular group of individuals
- 2.4. Expression directed to inciting or producing imminent lawless action and likely to incite or produce such action
- 2.5. A false statement of fact creating a clear and present danger by raising an alarm of imminent physical danger
- 2.6. Expression determined by a court to be defamation
- 2.7. Harassment, which may take two forms:
 - 2.7.1. Speech or conduct that is (1) unwelcome and (2) directed toward a person (3) on the basis of that person’s membership or perceived membership in a protected class (4) that is so severe, pervasive, and objectively offensive that (5) it effectively deprives the victim of access to the educational opportunities or other benefits provided by the University.
 - 2.7.2. Speech or conduct explicitly or implicitly conditioning a person’s participation in a University program or activity on, or basing an educational decision on, the person’s submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.

2.8. An unjustifiable invasion of privacy or confidentiality not involving a matter of public concern.

3. Time, Place, and Manner Regulations

Consistent with applicable state and federal law, the University generally permits both University-Affiliated Persons and Non-Affiliated Persons to engage in Non-Commercial expressive activity on Campus subject to the reasonable time, place, and manner regulations listed below. Only the Vice President for Student Affairs, or designee, may grant an exception to these time, place, and manner regulations if such an exception would not be injurious to public health and safety. Any exception granted will be in a viewpoint neutral manner.

- 3.1.** No person or group may interfere with the free flow of vehicular, bicycle, or pedestrian traffic on Campus or in any University Facility.
- 3.2.** No person or group may block entrances to or exits from, or otherwise interfere with the free flow of traffic into and out of, University Facilities.
- 3.3.** No person or group may disrupt teaching, research, administration, disciplinary procedures, or any other University functions.
- 3.4.** Assemblies, protests, or other demonstrations are prohibited in the following locations:
 - 3.4.1.** Within 50 feet of any building having a classroom, laboratory, library, or similar instructional or research space
 - 3.4.2.** Within 50 feet of any indoor or outdoor experiential-learning Facility
 - 3.4.3.** Within 50 feet of any building having a computer lab
 - 3.4.4.** Within 50 feet of any building having a testing or tutoring center
 - 3.4.5.** Within 50 feet of any building having an administrative office
 - 3.4.6.** Within 50 feet of any residence hall or family apartment
- Assemblers, protesters, or demonstrators who refuse to vacate any of the locations listed in this subsection upon request may be subject to suspension and/or arrest under applicable laws.
- 3.5.** Expressive activities that are audible from inside a residence hall or family apartment are prohibited between the hours of 11:00 p.m. and 9:00 a.m. Sunday through Thursday and between 1:00 a.m. to 10:00 a.m. on Friday and Saturday. Expressive activities that are audible from inside a residence hall or family apartment are prohibited all day during finals week each semester.
- 3.6.** Amplification equipment may be used on Campus only with prior approval of the Campus Reservationist. Requests should be initiated through the Campus Reservationist

at least three business days prior to the event. Requests will be granted only if the proposed use complies with the following restrictions.

3.6.1. Use of amplification equipment is prohibited if the amplified sound is audible from inside any classroom, library, laboratory, or similar instructional or research space during scheduled instructional hours. Requests to use amplification equipment must explain why the requesting party believes its proposed use will not violate this restriction.

3.6.2. The University may control the volume and direction of sound amplification if noise levels are interfering with a previously scheduled event or University function.

Use of amplification equipment without the approval required under this subsection, or an approved use that violates the restrictions in this subsection, is prohibited.

3.7. Distribution Activity is permitted on Campus if it does not violate any other provision in this policy and subject to the following regulations.

3.7.1. Recognized Student Organizations and University Departments and may reserve tables for Distribution Activity based on availability through the Campus Reservationist.

3.7.2. Non-Affiliated Persons may not reserve tables for Distribution Activity and may not bring tables onto Campus except as permitted under Section 3.18.

3.8. University-Affiliated Persons are permitted to post materials on bulletin boards and outdoor kiosks on Campus, unless the bulletin board or outdoor kiosk is designated for University purposes. To avoid damage and to assist with the overall aesthetic of the Campus, materials may not be posted or otherwise attached to any other University property. Materials advertising events that have passed, that cover more than ten percent of an entire bulletin board or outdoor kiosk, or that violate this provision or any University policy may be subject to immediate removal. In addition, all postings on outdoor kiosks are removed at the end of each academic year. Non-Affiliated Persons may not post materials on Campus.

3.9. No person or group may prevent any University official or employee from carrying out the official or employee's job duties.

3.10. No person may access nonpublic areas of Campus, or of any University Facility, without authorization. Non-public areas include, but are not limited to, classrooms, laboratories, libraries, faculty and administrative offices, and recreational facilities.

3.11. Access to University residence halls and family apartments is limited to residents and their escorted guests (subject to any Housing and Residence Life policies) and to individuals conducting official University business.

3.12. No person may camp or lodge on Campus other than in Facilities designated by the University for overnight lodging.

- 3.13.** No person may climb up or rappel down any University Facility or Campus structure without authorization.
- 3.14.** No person may erect any temporary or permanent structure or sign on Campus unless directed to by the University. Handheld signs are permitted only if they do not violate any other provision in this policy.
- 3.15.** No person may scratch, scrape, stain, tape, graffiti, paint, chalk, or otherwise mark a University building or other structure. Chalking is allowed only on campus sidewalks or walkways that can be easily washed away by rain and that will not cause lasting or permanent damage. Chalking is not allowed on any brick pavers, on steps or stairs attached to or leading toward any buildings, under any covered area (where the chalk will not be washed away by rainfall), or within 10 feet of any door or building entrance. Only water-soluble stick chalk (sidewalk chalk) is allowed. No spray chalk, chalk markers, paints, or similar products may be used.
- 3.16** The University Facilities listed below have dedicated purposes and require a reservation (and may require payment of rental fees) for any other uses. Information about reserving University Facilities may be obtained by contacting the Campus Reservationist.

3.16.1. Alumni Center

3.16.2. All Athletic Facilities

3.16.3. Recreation Services

3.16.4. Emens Auditorium and Pruis Hall

3.16.5. L.A. Pittenger Student Center

3.16.6. Residence Halls Multipurpose Rooms

3.16.7. Multicultural Center Multipurpose Room and Conference Room

3.16.8. University Dining (The Atrium)

3.16.9. Brown Family Amphitheater and Lawn

- 3.17.** The University is a tax-exempt state educational institution. In order to maintain this status, the University may not participate or intervene in any political campaign or permit its resources to be used in a manner that suggests institutional support for any political party or candidate. To protect the University's tax-exempt status, the University must regulate political activity on Campus. Political activity is permitted on Campus to the same extent other Non-Commercial expressive activity is permitted under this policy and subject to the following regulations.

3.17.1. University students, faculty, and staff who participate in political activities, support candidates, or become candidates for public office must do so in their

individual capacity without using the University's name or trademarks or otherwise implying University support for any political party or candidate.

3.17.2. No University funds or resources, including information-technology systems like University email, may be used to support any partisan political activity. University funds and resources may be used to support non-partisan voter-education and voter-registration activities. Those activities must be conducted in an unbiased manner that neither favors nor opposes a particular candidate or political party.

3.17.3. Political parties or organizations may rent University Facilities for meeting purposes on the same terms as other Non-Affiliated Persons and subject to the limitations in this subsection.

3.17.4. Political fundraising is not permitted on campus.

3.18. Non-Affiliated Persons may engage in Non-Commercial expressive activity, including Distribution Activity, using tables, booths, or other apparatus between 7:00 a.m. and 11:00 p.m. in an area designated by the University for Commercial or Non-Commercial expressive activity during the seven calendar days preceding the fall and spring semesters, the seven days preceding the first summer session, and the first day of the fall and spring semesters and first summer session.

3.18.1. Space during this approved period is available on a first-come, first-served basis by registering with the Student Center Campus Reservationist at any time during the eight-week period preceding the desired use.

3.18.2. The University will impose rental fees in a content-neutral manner.

4. Sanctions

The University may sanction individuals or groups who violate this policy, including engaging in conduct that materially and substantially disrupts the protected expressive activity of another employee, student, student organization, or contractor of the University. Possible sanctions include:

- 4.1.** Immediate cessation of the expressive activity;
- 4.2.** Removal from Campus;
- 4.3.** Suspension of the sponsoring individual or group from hosting, or participating in, future events on Campus;
- 4.4.** Placing a Recognized Student Organization on probation or withdrawing recognition;
- 4.5.** Assessment of costs for expenses or damages incurred by the University;
- 4.6.** Suspension or revocation of scheduling privileges;
- 4.7.** Disciplinary action up to and including dismissal from the University; and/or

4.8. If applicable, criminal liability.

Any questions concerning the interpretation or application of this policy shall be submitted to the designee of the Vice President for Student Affairs. The question shall be submitted in writing by the person affected and must set forth all facts and other information that the person believes to be relevant to the resolution of the question. The Vice President for Student Affairs or a designee may conduct such investigation of the circumstances involved as deemed desirable and shall render a decision in writing. Any person who is informed that the person's conduct violates this policy shall immediately cease the violation. An appeal may be taken from the interpretive decision made under this paragraph.

5. Appeals

Appeals may be taken under this policy subject to the following procedures:

- 5.1.** University actions may be appealed under this policy as follows.
 - 5.1.1.** Any sanction issued under this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.2.** Interpretive decisions issued under Section 4 of this policy may be appealed to the Vice President of Student Affairs or a designee.
 - 5.1.3.** The removal of any content from University information-technology systems under the Information Technology Users' Privileges and Responsibilities policy may be appealed to the Vice President for Information Technology and Chief Information Officer.
- 5.2.** Any appeal must be submitted in writing within ten (10) business days after the challenged sanction was imposed or the challenged interpretive decision was issued.
- 5.3.** The written appeal must include the name(s) and address(es) of the individual(s) or group(s) that received the challenged sanction or interpretive decision, the nature of the action being appealed, and the grounds for the appeal.
- 5.4.** Review of the appeal shall include the following:
 - 5.4.1.** The materials submitted by the appellant;
 - 5.4.2.** The basis or grounds for the University action, and any related information; and
 - 5.4.3.** Any additional information requested by the University official or designee deciding the appeal.
- 5.5.** A final decision on the appeal shall be issued in writing within five (5) business days after the date the written appeal is filed, unless there is good cause for delay. The person filing the appeal will be notified in writing of any delays.

6. Amendment

This policy may be amended, added to, or revoked, in whole or in part, by the President of the University as the President from time to time may deem appropriate. Any such amendment, addition, or revocation shall be effective as determined by the President and does not require approval by the Board of Trustees unless the action is inconsistent with any then-existing policy of the Board of Trustees.

7. Disclaimer

In making its Campus available for use under this policy, the University assumes no obligation or responsibility for the activities of any Non-Affiliated Person or any University-Affiliated Person engaged in expression on Campus. The University reminds all users to review and comply with applicable laws, including those concerning safety, libel, slander, defamation, and obscenity.

Adopted May 6, 2022

Revised June 14, 2024

EO-25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

INDIANA STATE UNIVERSITY

June 30, 2025

Introduction

Indiana State University (“University”) prohibits discrimination on the basis of national origin, race/color, religion, and all other protected classes recognized by federal and state law. The University is committed to responding promptly and vigorously to any discriminatory or harassing behavior, including antisemitism, that may be committed by its students, employees, or members of the public on its campus.

Definition of Antisemitism

Indiana State University policy has not defined antisemitism, until a recent change was made at the Board of Trustees meeting on June 27th, as shown below. University policies have long prohibited behavior and conduct that could be considered antisemitic, if such behavior and conduct is directed toward members of the Jewish faith or nationality.

Policy Related to Antisemitic Actions and Speech

Policy 923 applies to protecting members of a protected class from harassment directed towards those members of the protected class, which would include persons of the Jewish faith or nationality. Policy 923, effective prior to the amendment made by the Trustees on June 27th, is attached as Exhibit A.

Further, in its Policy 910 which applies to the right of expression on its campus, the University has prohibited certain conduct that threatens the safety of the public or the operations of the University, when students or groups may be engaged in constitutionally protected expressive activity. Policy 910 is attached as Exhibit B.

Individuals engaged in protected expressive activities must comply with all federal, state, and local laws, and with the following restrictions. Expressive activities may not, whether by physical, auditory, or other means:

- a. Materially and substantially disrupt the protected expressive activity of another individual or group or prevent the communication of a message by that individual or group.
- b. Prevent the transaction of business at a lawful meeting, gathering, or procession including by:
 - i. Engaging in fighting, violence, or other unlawful behavior; or

- ii. Physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity.
- c. Endanger the safety and well-being of individuals.
- d. Result in the destruction of property.
- e. Constitute harassment.

Examples of prohibited activities include substantial disruption to classroom instruction, interference with the normal functioning of the University, interference with the flow of pedestrian or vehicular traffic, disruption to scheduled programs or events, and similar activities.

It cannot be emphasized more that physical violence, threats or implied threats of physical violence, intimidation, and destruction of property are strictly prohibited. The University reserves the right to ban any individual from its property and facilities who engages in such activity.

Additionally, the University's Student Code of Conduct that was in place prior to the action taken by the Trustees at its June 27th meeting did apply to antisemitism. The University's students have been prohibited from engaging in harassment and intimidating behavior described as follows:

Section 3.1.2 Harassing and Intimidating Behavior

Harassing and Intimidating Behavior refers to unwelcome or unreasonable behavior that harasses or intimidates people either as individuals or as a group and is sufficiently severe or pervasive. Harassing behavior is often persistent and part of a pattern, but it can also occur as a single incident. Harassment includes in-person verbal and non-verbal, written, and electronic conduct and behaviors. This behavior can be expressed or implied, creating and/or inciting a foreseeable hostile environment interfering with another person's personal safety, safety of property, academic efforts, employment, or participation in the university community. This behavior may also include behavior that leads another to have a reasonable apprehension that such harm will occur. In no event shall this provision be used to discipline a student for speech protected by the first amendment of the United States Constitution. ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

Acts of Antisemitism and Institutional Responses

The University has not had any reported or documented acts of antisemitism at the Indiana State campus since October 7, 2023.

Conclusion

While the University has not had a specifically expressed prohibition against antisemitic behavior utilizing a written definition of antisemitism in its policies, the prohibition of discrimination on the basis of national origin, race/color, religion, and all other protected classes recognized by federal and state law, would have applied to antisemitic behavior. Additionally, the prohibited behavior in the University's Expressive Activity Policy and the Student Code of Conduct would also have applied to antisemitic behavior and conduct and would subject any student, faculty or staff members to discipline should they commit acts of antisemitism.

Action Taken

At its June 27, 2025, meeting the Indiana State University Trustees have amended Policy 923 by adding the definition of the International Holocaust Remembrance Alliance and prohibited antisemitism at the University with the following provision with a corresponding reference in Section 3.1 of the Student Code of Conduct (highlighted text):

923.2 Definitions

- a. Antisemitism: A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

923.3 Categories of Prohibited Conduct

923.3.2 Prohibited Harassment. Prohibited Harassment may be categorized as hostile environment harassment or *quid pro quo* harassment. Hostile environment harassment is defined as unwelcome verbal or physical conduct directed toward an individual because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities. In determining whether a hostile environment exists, the University examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. This includes, for example, conduct towards another person or identifiable group of persons that is determined to have been motivated by

Antisemitism, or any other hatred, prejudice or discrimination against a particular religious belief.

The Trustees also amended the Student Code of Conduct in Policy 410 Section 3.1 Misconduct Against Persons to reference the Policy 923 for matters involving discrimination, antisemitism, sexual harassment, sexual misconduct, relationship violence, and stalking.

The full version of Policy 923 incorporating the amendments made at the June 27th Trustee meeting is attached as Exhibit C.

EXHIBIT A

Version effective prior to June 27, 2025

923 Non-Discrimination and Anti-Harassment

Authority: Approved by the Board of Trustees

Last Updated: October 21, 2022

923.1 Policy of Nondiscrimination

Indiana State University prohibits discrimination on the basis of: age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, veteran status, or any other class protected by federal and state statutes. Discrimination based upon any protected class is strictly prohibited in ISU programs and activities or that interferes with the educational or workplace environment. ISU recognizes that discrimination and harassment may take many forms, and it is our collective commitment to respond promptly and vigorously to discriminatory or harassing behavior.

923.2 Definitions

- a. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination or harassment.
- b. Consent: Knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent. Lack of consent means:
 1. The person has not given consent;
 2. The person is incapable of giving consent because of mental, developmental, or physical disability;
 3. Force is used or threatened;
 4. The person is incapable of giving consent because of judgment-inhibiting intoxication without regard to the intoxicant;
 5. The person is not sufficiently conscious to provide consent; or

6. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.
- c. Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- d. Domestic Violence: A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (v) 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 state of Indiana.
- e. Education Programs or Activities: All the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the alleged misconduct occurs, including conduct occurring in any building owned or controlled by a student organization that is officially recognized by the University.
- f. Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.
- g. Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, and includes the sex offenses of rape, attempted rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in 20 U.S.C. §1092(f)(6)(A)(v). The definition of sexual assault encompasses:

1. 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 and regardless of the gender of the individuals.
2. 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 their age or because of their temporary or permanent mental incapacity.
3. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Sexual intercourse with a person who is under the statutory age of consent.

h. Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others or (ii) suffer substantial emotional distress.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

923.3 Categories of Prohibited Conduct

- **923.3.1 Discrimination.** Discrimination means treating someone differently because of their membership in a protected class (or a perception that someone is a member of a protected class) in matters of admissions, employment, housing, services, or any other educational programs or activities of the University. Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the protected class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when a University policy or practice adversely impacts persons in a protected class even though the policy or practice is neutral on its face.

- **923.3.2 Prohibited Harassment.** Prohibited Harassment may be categorized as hostile environment harassment or *quid pro quo* harassment. Hostile environment harassment is defined as unwelcome verbal or physical conduct directed toward an individual because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities. In determining whether a hostile environment exists, the University examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved.
- *Quid pro quo* harassment occurs where submission to or rejection of prohibited conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's education, employment, or participation in a University program or activity.
- Examples of Prohibited Harassment include offensive jokes, slurs, name calling, intimidation, ridicule, mockery, or displaying or circulating offensive objects and pictures that are based on a protected class. Prohibited Harassment may also include unwelcome sexual advances, requests for sexual favors, physical conduct and other verbal or physical conduct of a sexual nature that falls outside the scope of Title IX Sexual Harassment.
- **923.3.3 Title IX Sexual Harassment.** Title IX Sexual Harassment is conduct on the basis of sex that constitutes *quid pro quo* harassment, Title IX Hostile Environment Sexual Harassment, sexual assault, domestic violence, dating violence, or stalking and that occurs in the United States and within the University's Education Programs or Activities.
- "Title IX Hostile Environment Sexual Harassment" is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's Education Programs or Activities.

- **923.3.4 Sexual Misconduct.** Sexual Misconduct is sexual assault, domestic violence, dating violence, or stalking that occurs off-campus, in a private setting, and/or outside the scope of the University's Education Programs or Activities.

923.4 Other Harassing, Intimidating, or Physically Abusive Conduct.

Conduct that seeks to intimidate or harass or constitutes unwelcome or abusive physical contact but is not discriminatory is also prohibited by [Policy 410 Code of Student Conduct](#), [Policy 502 Prohibition on Hostile or Intimidating Workplace Behavior](#) and other ISU policies as may be adopted from time to time.

923.5 Commitment to Freedom of Expression and Academic Freedom.

ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

923.6 Reporting Discrimination and Harassment.

All ISU employees are expected to report discrimination and harassment to the Equal Opportunity and Title IX Office. Those individuals who act in a supervisory capacity or who serve as faculty/staff advisors to ISU student organizations should be especially mindful of the obligation to report discrimination and harassment promptly. Reports of discrimination or harassment should be directed to:

[Equal Opportunity and Title IX Office](#)

Rankin Hall, Room 426
Indiana State University
Terre Haute, Indiana 47809
(812) 237-8954

ISU-equalopportunity-titleix@mail.indstate.edu

https://cm.maxient.com/reportingform.php?IndianaStateUniv&layout_id=10

- **923.6.1 Confidential Reporting.** ISU has designated certain employees to be confidential resources to students and employees. These confidential resources may be found on the Equal Opportunity and Title IX website.
- **923.6.2 Review of Reports of Discrimination and Harassment.** ISU has designated the Equal Opportunity and Title IX Office to review all reports of discrimination and harassment. Upon receipt of a report, the Director of Equal Opportunity/Title IX Coordinator will undertake a continuing assessment to

determine the form of discrimination or harassment at issue and which adjudication procedures are applicable.

In all matters where the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures; to discuss and consider the Complainant's wishes with respect to supportive measures; to inform the Complainant about the availability of supportive measures with or without filing a formal complaint; and to explain the process for filing and pursuing a formal complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

- **923.6.3 Filing of Formal Complaints.** Upon receipt of a report of discrimination or harassment, the Director of Equal Opportunity/Title IX Coordinator will contact the Complainant, if their identity is known, and explain the process for filing a formal complaint. A formal complaint is submitted by the Complainant to the Office of Equal Opportunity and Title IX in person, by mail, or by email. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint. At the time of filing a formal complaint of Title IX Sexual Harassment, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. A Complainant may file a formal complaint of Sexual Misconduct without being a current participant, or attempted participant, in the University's Education Programs or Activities.

The Director of Equal Opportunity/Title IX Coordinator has discretion to file a formal complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in the investigation or adjudication process. In general, the Director of Equal Opportunity /Title IX Coordinator will seek to respect the Complainant's wishes not to file a formal complaint.

The Director of Equal Opportunity/Title IX Coordinator will file a complaint on behalf of the University in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University community. Factors the Director of Equal Opportunity/Title IX Coordinator may consider in deciding whether to file a complaint include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk

of occurring again. When the Director of Equal Opportunity/Title IX Coordinator files a formal complaint, that action does not make the Director of Equal Opportunity/Title IX Coordinator the “complainant” in the matter, nor does it put him or her in a position adverse to the Respondent or otherwise create a conflict of interest.

- **923.6.4 Required Dismissal of Title IX Sexual Harassment Complaints.** At any time during the handling of a formal complaint, the Director of Equal Opportunity/Title IX Coordinator will dismiss a formal complaint of Title IX Sexual Harassment if it is determined that:
 - The conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment if proved;
 - The conduct alleged in the formal complaint did not occur in the University’s Educational Programs or Activities;
 - The conduct alleged in the formal complaint did not occur against a person in the United States.

The parties will be notified in writing that the allegations of Title IX Sexual Harassment must be dismissed and the reason for dismissal. If the behavior at issue would still, as alleged, constitute Discrimination, Prohibited Harassment, or Sexual or Gender-Based Misconduct, the allegations will continue to be addressed under this Policy and the applicable adjudication procedures.

If a formal complaint of Title IX Sexual Harassment is dismissed for one of the above reasons, the parties may appeal that dismissal using the appeal process described in Section 923.12.

- **923.6.5 Other Dismissal and Closure.** In addition to the dismissal of a formal complaint for Title IX purposes, the Director of Equal Opportunity/Title IX Coordinator may dismiss a formal complaint if at any time:
 - The Complainant notifies the Director of Equal Opportunity/Title IX Coordinator in writing that the Complainant would like to withdraw their formal complaint;
 - The Respondent is no longer a student of or employed by the University, as applicable; or

- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the underlying allegations of the formal complaint.
- If a formal complaint is dismissed pursuant to this section, the parties may appeal that dismissal using the appeal process described in Section 923.12.

923.7 Reports of Other Misconduct.

Reports of misconduct other than discrimination or harassment will be referred by the investigator to the Office of Human Resources for Staff, the appropriate Dean for faculty, or the Office of Student Conduct and Integrity for students, including student employees.

923.8 Alternative Resolution.

The University offers voluntary alternative resolution for complaints of discrimination and harassment, except where the Respondent is a non-student employee accused of committing Title IX Sexual Harassment against a student. Information about alternative resolution can be found in the Complaint Resolution and Investigation Procedures.

923.9 Complaint Resolution and Investigation Procedures; Guiding Principles.

The Director of Equal Opportunity/Title IX Coordinator is responsible for conducting the investigation or assigning an investigator to investigate the complaint of discrimination. The Director of Equal Opportunity/Title IX Coordinator will publish Complaint Resolution and Investigation Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Complaint Resolution and Investigation Procedures will comply with the Guiding Principles for the investigation of discriminatory behavior set forth below:

1. The Investigator will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.
2. ISU will ensure that the Title IX Coordinator, investigators, decision-makers, and any individual who facilitates alternative resolution will receive appropriate training.
3. The investigator will provide sufficient notice to the Respondent and appropriate time to prepare a response before an interview, consistent with the Complaint Resolution and Investigation Procedures.

4. The Director of Equal Opportunity/Title IX Coordinator, in consultation with appropriate university officials, may remove a student Respondent from an education program or activity, including student employment, on an emergency basis if ISU determines that an immediate threat to the physical health or safety of any student, faculty member, staff member or visitor exists arising from the allegations of sexual harassment. The Respondent will be given notice and an opportunity to challenge the decision immediately following removal.
5. Non-student employees may be reassigned consistent with [Policy 501 Principles of Conduct for Faculty and Staff, Section 501.2 Extraordinary Action](#).
6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the adjudication process.
7. ISU, not the Complainant or Respondent, is responsible for gathering information sufficient to reach a determination that Respondent violated the policy.
8. Complainants and Respondents will have an equal opportunity to have a support person or advisor present at interviews, consistent with the Complaint Resolution and Investigation Procedures.
9. Complainants and Respondents will have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence, consistent with the Complaint Resolution and Investigation Procedures.
10. Complainants and Respondents will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint, consistent with the Complaint Resolution and Investigation Procedures.
11. The investigation and determination will be completed reasonably promptly.
12. The investigator will produce a report that will be available to both Complainant and Respondent in a manner consistent with the Complaint Resolution and Investigation Procedures.

923.10 Standard of Evidence.

The standard of evidence in all discrimination matters is preponderance of evidence. The investigator or Hearing Panel (as applicable) will determine whether it is more likely than not that the Respondent violated this policy.

923.11 Determinations of Discriminatory Behavior.

The specific procedures for adjudicating prohibited conduct depend upon the nature of the Respondent's relationship to the University, and when a Respondent is an employee or a third party, on the type of prohibited conduct at issue.

923.11.1 Determinations of Discriminatory Behavior. In all investigations except those involving allegations of Title IX Sexual Harassment, Prohibited Harassment (sexual) with a student Respondent, or Sexual Misconduct with a student Respondent, the assigned investigator will make a determination about whether or not it is more likely than not that discrimination or harassment prohibited by this policy has occurred.

The final investigation report, including the determination, will be provided to the appropriate Cabinet Member(s). The Cabinet Member to whom the Respondent reports will make a determination about disciplinary action or sanctions, if warranted. The appropriate Cabinet Member may take disciplinary action against a Respondent based on the contents of the investigation report and the determination of discrimination.

923.11.2 Determinations of Title IX Sexual Harassment. Formal complaints of Title IX Sexual Harassment will be adjudicated by a Hearing Panel after the conclusion of the fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the President. The Hearing Panel will make the determination about whether it is more likely than not that the Respondent engaged in Title IX Sexual Harassment as defined by Section 923.3.3.

- **923.11.2.1 Disciplinary Outcomes in Title IX Sexual Harassment**

Determinations. If the Hearing Panel determines that the Respondent engaged in Title IX Sexual Harassment, federal law requires the Hearing Panel to include the sanction within its written determination. Disciplinary outcomes for students may include, but are not limited to, a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct. Disciplinary outcomes for faculty and staff will be consistent with University policies and procedures related to employee discipline.

- **923.11.3 Determinations of Prohibited Harassment (Sexual) or Sexual Misconduct (Students).**

Formal complaints of Prohibited Harassment (sexual) or Sexual Misconduct involving student Respondents will be adjudicated by a Hearing Panel after the conclusion of a fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the

President. The Hearing Panel will make the determination about whether or not it is more likely than not that the Respondent engaged in Prohibited Harassment, as defined by Section 923.3.2, or Sexual Misconduct, as defined in Section 923.3.4.

- **923.11.4 Other Misconduct.** In cases where the final investigation report identifies misconduct other than discriminatory conduct, the Cabinet member may refer the matter for further review or take disciplinary action based on the contents of the investigation report. All such disciplinary action will be consistent with ISU policy.
- **923.11.5 Allegations of more than one form of discrimination.** If more than one form of discrimination is alleged, the investigator will make the determination regarding all allegations of discrimination or harassment that would not otherwise be determined by a Hearing Panel pursuant to this policy.
- **923.11.6 Hearing Procedures; Guiding Principles.** The Director of Equal Opportunity/Title IX Coordinator will publish Hearing Procedures, approved by the President, for all adjudications of Title IX Sexual Harassment, Prohibited Harassment (sexual), and Sexual Misconduct. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Hearing Procedures will comply with the following Guiding Principles:

1. The Hearing Panel will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.
2. ISU will ensure that the Hearing Panel and Advisors provided by ISU will receive appropriate training.
3. All Complainants and Respondents will be entitled to have an Advisor present during the hearing, and the Advisor will have the opportunity to question witnesses, the investigator, and the other party. The Complainant and Respondent may choose the Advisor, or, at the request of the Complainant or Respondent, ISU will provide the Advisor. No party will be allowed to ask questions of any witness, the investigator, or the other party.
4. All Complainants and Respondents will be entitled to have a support person, subject to the Hearing Procedures.
5. The hearing may, at the request of any party, be conducted in separate areas, and connected to the hearing using technology resources.

6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made final.
7. Complainants and Respondents will have an equal opportunity to present information to the Hearing Panel, consistent with the Hearing Procedures.

- **923.11.7 Notification to Complainant and Respondent.** In all investigations of discriminatory conduct, both the Complainant and the Respondent will be notified in writing of the determination and, where appropriate, the disciplinary outcome.

923.12 Appeal.

Either party may appeal the determination to the President on the following grounds:

1. Procedural irregularity that affected the outcome.
2. New evidence, not reasonably available at the time of determination or dismissal was made, that could reasonably affect the outcome.
3. Conflict of interest or bias that affected the outcome of the hearing.

The Director of Equal Opportunity/Title IX Coordinator will publish Appeal Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The President's decision on the merits of the appeal will be final.

923.13 Retaliation.

Retaliation against participation in the reporting, investigation, or determination of discriminatory or harassing conduct is prohibited and will constitute a separate violation of this policy.

923.14 Campus Notifications.

The Director of Equal Opportunity/Title IX Coordinator will cooperate with the ISU Chief of Police on any notifications to the campus about health and safety emergencies that might arise because of a report of a violation of this policy.

923.15 Privacy.

All reports of discrimination will be treated with the maximum possible privacy.

923.16 Training.

Those individuals involved in investigation, adjudication, and appeal of allegations of discrimination and harassment will be provided appropriate training and education. The President may require training or education of all employees and students on this policy.

EXHIBIT B

910 Right of Expression

Authority: Approved by the Board of Trustees

Last Updated: May 10, 2024

Last Reviewed: May 10, 2024

910.1 Overview of Policy

The right of expression is as necessary as the right of inquiry and both must be preserved as essential to the pursuit and dissemination of knowledge and truth. Consequently, the University takes seriously its commitment to protecting the rights of students, employees, guests and other visitors to engage in free speech and protected expressive activity. Importantly, nothing in this policy shall interfere with the right of any member of the University faculty to conduct and manage their teaching and research activities in accordance with their professional judgment and the principles of academic freedom.

910.2 Applicability of Policy

This policy applies to all invited guests and visitors to the University and to the following members of the University community:

- a. Students;
- b. Student organizations;
- c. University employees, including faculty, administrators, and staff;
- d. Individuals using University resources or facilities or receiving funds administered by the University; and
- e. Other individuals when speaking or acting on behalf of the University.
- f. Parties contracting with the University.

910.3 Policy Statement

The University is committed to protecting the rights of the University community, invited guests and visitors to engage in free speech and protected expressive activity. Protected expressive activity includes:

- a. Conduct and speech protected by the First Amendment to the United States Constitution.
- b. Communicating by lawful verbal, written, audio visual, or electronic means.
- c. Participating in peaceful assembly.
- d. Protesting.
- e. Making speeches, including speeches of guest speakers.
- f. Distributing literature.
- g. Carrying signs.
- h. Circulating petitions.

Except when an outdoor area of campus has been reserved in advance, individuals may engage in protected expressive activity in any outdoor area of campus that is generally accessible to the public.

- **910.3.1. Religious, Political, or Ideological Student Organizations.** The University will not deny any benefit or discriminate against a religious, political, or ideological student organization on the basis of the organization's protected expressive activity or a requirement that a leader of the student organization:
 - a. Affirm or adhere to the sincerely held beliefs of the student organization;
 - b. Comply with a standard of conduct of the organization; or
 - c. Further the mission or purpose of the student organization.
- **910.3.2. Speakers and Visitors.** The University does not limit who may speak at or visit the University on the basis of their views or beliefs, nor does it endorse the views or beliefs of any speaker or visitor who does. The University likewise does not prohibit others from expressing their objections to the views and beliefs of any speaker or visitor.

910.4 Prohibited Activities

The University may regulate the time, place and manner of free speech and protected expressive activities if necessary to ensure the safety of individuals, the protection of property, and the continuation of University functions. To that end, individuals engaged in protected expressive activities must comply with all federal, state, and local laws, and with the following restrictions. Expressive activities may not, whether by physical, auditory, or other means:

- a. Materially and substantially disrupt the protected expressive activity of another individual or group or prevent the communication of a message by that individual or group.
- b. Prevent the transaction of business at a lawful meeting, gathering, or procession including by:
 - i. Engaging in fighting, violence, or other unlawful behavior; or
 - ii. Physically blocking or threatening violence to prevent an individual from attending, listening to, viewing, or participating in a protected expressive activity.
- c. Endanger the safety and well-being of individuals.
- d. Result in the destruction of property.
- e. Constitute harassment.

Examples of prohibited activities include substantial disruption to classroom instruction, interference with the normal functioning of the University, interference with the flow of pedestrian or vehicular traffic, disruption to scheduled programs or events, and similar activities.

It cannot be emphasized more that physical violence, threats or implied threats of physical violence, intimidation, and destruction of property are strictly prohibited. The University reserves the right to ban any individual from its property and facilities who engages in such activity.

Nothing in this section is designed to interfere with or prohibit members of the University community from spontaneously and contemporaneously assembling and distributing literature.

For more information, refer to Policy 710 [Use of University Facilities](#)

910.5 Sanctions

Violations of this policy by any member of the University community, including any member of the faculty, any employee, any student, or any Student Organization (as defined in Policy 450.2 Definition of Student Organization), or contractor will be addressed in accordance with applicable University policies and procedures, which may include disciplinary action, up to and including suspension, termination or expulsion from the University.

Any person who is not a member of the University community and who violates this policy may be removed from University property. The University reserves the right to pursue legal remedies, including trespassing.

Anyone who is suspected of violating the law will be referred to law enforcement and may be subject to criminal penalties.

EXHIBIT C

Current version following amendments made at June 27, 2025, Trustee meeting

923 Non-Discrimination and Anti-Harassment

Authority: Approved by the Board of Trustees

Last Updated: June 27, 2025

923.1 Policy of Nondiscrimination

Indiana State University prohibits discrimination on the basis of: age, disability, genetic information, national origin, pregnancy, race/color, religion, sex, gender identity or expression, sexual orientation, veteran status, or any other class protected by federal and state statutes. Discrimination based upon any protected class is strictly prohibited in ISU programs and activities or that interferes with the educational or workplace environment. ISU recognizes that discrimination and harassment may take many forms, and it is our collective commitment to respond promptly and vigorously to discriminatory or harassing behavior.

923.2 Definitions

- a. Antisemitism: A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.
- b. Complainant: An individual who is alleged to be the victim of conduct that could constitute discrimination or harassment.
- c. Consent: Knowing, voluntary, and clear mutual agreement to engage in sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity including previous consent or the existence of a current or previous relationship. Silence or the absence of resistance is not the same as consent. Lack of consent means:
 1. The person has not given consent;
 2. The person is incapable of giving consent because of mental, developmental, or physical disability;
 3. Force is used or threatened;

4. The person is incapable of giving consent because of judgment-inhibiting intoxication without regard to the intoxicant;
5. The person is not sufficiently conscious to provide consent; or
6. The person is not old enough to give consent. In Indiana, any person who has reason to believe that a child is a victim of child abuse or neglect has a duty to make a report to Child Protective Services or to the police.

d. **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

e. **Domestic Violence:** A felony or misdemeanor crime of violence committed by (i) a current or former spouse or intimate partner of the victim; (ii) a person with whom the victim shares a child in common; (iii) a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; (v) 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 state of Indiana.

f. **Education Programs or Activities:** All the operations of the University, including, but not limited to, in-person and online educational instruction, employment, research activities, extracurricular activities, athletics, residence life, dining services, and community engagement and outreach programs. The term applies to all activity that occurs on campus or on other property owned or occupied by the University. It also includes off-campus locations, events, or circumstances over which the University exercises substantial control over the Respondent and the context in which the alleged misconduct occurs, including conduct occurring in any building owned or controlled by a student organization that is officially recognized by the University.

g. **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute discrimination or harassment.

h. **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent,

and includes the sex offenses of rape, attempted rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined in 20 U.S.C. §1092(f)(6)(A)(v). The definition of sexual assault encompasses:

1. 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 and regardless of the gender of the individuals.
2. 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 their age or because of their temporary or permanent mental incapacity.
3. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
4. Sexual intercourse with a person who is under the statutory age of consent.
 - i. **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others or (ii) suffer substantial emotional distress.

For the purposes of this definition, course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

923.3 Categories of Prohibited Conduct

- **923.3.1 Discrimination.** Discrimination means treating someone differently because of their membership in a protected class (or a perception that someone is a member of a protected class) in matters of admissions, employment, housing, services, or any other educational programs or activities of the University. Disparate treatment discrimination occurs when there has been an adverse impact on the individual's work or educational environment, individuals outside of the protected class have received more favorable treatment, and there is no legitimate, non-discriminatory reason for the action. Disparate impact discrimination occurs when

a University policy or practice adversely impacts persons in a protected class even though the policy or practice is neutral on its face.

- **923.3.2 Prohibited Harassment.** Prohibited Harassment may be categorized as hostile environment harassment or *quid pro quo* harassment. Hostile environment harassment is defined as unwelcome verbal or physical conduct directed toward an individual because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's educational or work performance, or creating an intimidating, hostile or offensive working or academic environment. A person's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective and must be so severe, persistent, or pervasive that it unreasonably interferes with, limits, or deprives a member of the community of the ability to participate in or to receive benefits, services, or opportunities from the University's education or employment programs and/or activities. In determining whether a hostile environment exists, the University examines the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the persons involved. This includes, for example, conduct towards another person or identifiable group of persons that is determined to have been motivated by Antisemitism, or any other hatred, prejudice or discrimination against a particular religious belief.
- *Quid pro quo* harassment occurs where submission to or rejection of prohibited conduct is used, explicitly or implicitly, as the basis for decisions adversely affecting an individual's education, employment, or participation in a University program or activity.
- Examples of Prohibited Harassment include offensive jokes, slurs, name calling, intimidation, ridicule, mockery, or displaying or circulating offensive objects and pictures that are based on a protected class. Prohibited Harassment may also include unwelcome sexual advances, requests for sexual favors, physical conduct and other verbal or physical conduct of a sexual nature that falls outside the scope of Title IX Sexual Harassment.
- **923.3.3 Title IX Sexual Harassment.** Title IX Sexual Harassment is conduct on the basis of sex that constitutes *quid pro quo* harassment, Title IX Hostile Environment Sexual Harassment, sexual assault, domestic violence, dating violence, or stalking and that occurs in the United States and within the University's Education Programs or Activities.

- “Title IX Hostile Environment Sexual Harassment” is unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University’s Education Programs or Activities.
- **923.3.4 Sexual Misconduct.** Sexual Misconduct is sexual assault, domestic violence, dating violence, or stalking that occurs off-campus, in a private setting, and/or outside the scope of the University’s Education Programs or Activities.

923.4 Other Harassing, Intimidating, or Physically Abusive Conduct.

Conduct that seeks to intimidate or harass or constitutes unwelcome or abusive physical contact but is not discriminatory is also prohibited by [Policy 410 Code of Student Conduct](#), [Policy 502 Prohibition on Hostile or Intimidating Workplace Behavior](#) and other ISU policies as may be adopted from time to time.

923.5 Commitment to Freedom of Expression and Academic Freedom.

ISU values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. However, speech that is discriminatory and harassing is not protected and will be subject to investigation and possible disciplinary action.

923.6 Reporting Discrimination and Harassment.

All ISU employees are expected to report discrimination and harassment to the Equal Opportunity and Title IX Office. Those individuals who act in a supervisory capacity or who serve as faculty/staff advisors to ISU student organizations should be especially mindful of the obligation to report discrimination and harassment promptly. Reports of discrimination or harassment should be directed to:

[Equal Opportunity and Title IX Office](#)

Rankin Hall, Room 426
Indiana State University
Terre Haute, Indiana 47809

(812) 237-8954

ISU-equalopportunity-titleix@mail.indstate.edu

https://cm.maxient.com/reportingform.php?IndianaStateUniv&layout_id=10

- **923.6.1 Confidential Reporting.** ISU has designated certain employees to be confidential resources to students and employees. These confidential resources may be found on the Equal Opportunity and Title IX website.

- **923.6.2 Review of Reports of Discrimination and Harassment.** ISU has designated the Equal Opportunity and Title IX Office to review all reports of discrimination and harassment. Upon receipt of a report, the Director of Equal Opportunity/Title IX Coordinator will undertake a continuing assessment to determine the form of discrimination or harassment at issue and which adjudication procedures are applicable.

In all matters where the Complainant's identity is known, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures; to discuss and consider the Complainant's wishes with respect to supportive measures; to inform the Complainant about the availability of supportive measures with or without filing a formal complaint; and to explain the process for filing and pursuing a formal complaint. The Complainant will also be provided options for filing complaints with the local police and information about resources that are available on campus and in the community.

- **923.6.3 Filing of Formal Complaints.** Upon receipt of a report of discrimination or harassment, the Director of Equal Opportunity/Title IX Coordinator will contact the Complainant, if their identity is known, and explain the process for filing a formal complaint. A formal complaint is submitted by the Complainant to the Office of Equal Opportunity and Title IX in person, by mail, or by email. The formal complaint must contain the Complainant's physical or digital signature, or otherwise indicate that the Complainant is the person filing the formal complaint. At the time of filing a formal complaint of Title IX Sexual Harassment, a Complainant must be participating in or attempting to participate in the University's Education Programs or Activities. A Complainant may file a formal complaint of Sexual Misconduct without being a current participant, or attempted participant, in the University's Education Programs or Activities.

The Director of Equal Opportunity/Title IX Coordinator has discretion to file a formal complaint even if the Complainant chooses not to, and even if the Complainant chooses not to participate in the investigation or adjudication process. In general, the Director of Equal Opportunity /Title IX Coordinator will seek to respect the Complainant's wishes not to file a formal complaint.

The Director of Equal Opportunity/Title IX Coordinator will file a complaint on behalf of the University in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the University

community. Factors the Director of Equal Opportunity/Title IX Coordinator may consider in deciding whether to file a complaint include (but are not limited to): (a) was a weapon involved in the incident; (b) were multiple assailants involved in the incident; (c) is the accused a repeat offender; and (d) does the incident create a risk of occurring again. When the Director of Equal Opportunity/Title IX Coordinator files a formal complaint, that action does not make the Director of Equal Opportunity/Title IX Coordinator the “complainant” in the matter, nor does it put him or her in a position adverse to the Respondent or otherwise create a conflict of interest.

- **923.6.4 Required Dismissal of Title IX Sexual Harassment Complaints.** At any time during the handling of a formal complaint, the Director of Equal Opportunity/Title IX Coordinator will dismiss a formal complaint of Title IX Sexual Harassment if it is determined that:
 - The conduct alleged in the formal complaint would not constitute Title IX Sexual Harassment if proved;
 - The conduct alleged in the formal complaint did not occur in the University’s Educational Programs or Activities;
 - The conduct alleged in the formal complaint did not occur against a person in the United States.

The parties will be notified in writing that the allegations of Title IX Sexual Harassment must be dismissed and the reason for dismissal. If the behavior at issue would still, as alleged, constitute Discrimination, Prohibited Harassment, or Sexual or Gender-Based Misconduct, the allegations will continue to be addressed under this Policy and the applicable adjudication procedures.

If a formal complaint of Title IX Sexual Harassment is dismissed for one of the above reasons, the parties may appeal that dismissal using the appeal process described in Section 923.12.

- **923.6.5 Other Dismissal and Closure.** In addition to the dismissal of a formal complaint for Title IX purposes, the Director of Equal Opportunity/Title IX Coordinator may dismiss a formal complaint if at any time:
 - The Complainant notifies the Director of Equal Opportunity/Title IX Coordinator in writing that the Complainant would like to withdraw their formal complaint;

- The Respondent is no longer a student of or employed by the University, as applicable; or
- Specific circumstances prevent the University from gathering evidence sufficient to reach a determination on the underlying allegations of the formal complaint.
- If a formal complaint is dismissed pursuant to this section, the parties may appeal that dismissal using the appeal process described in Section 923.12.

923.7 Reports of Other Misconduct.

Reports of misconduct other than discrimination or harassment will be referred by the investigator to the Office of Human Resources for Staff, the appropriate Dean for faculty, or the Office of Student Conduct and Integrity for students, including student employees.

923.8 Alternative Resolution.

The University offers voluntary alternative resolution for complaints of discrimination and harassment, except where the Respondent is a non-student employee accused of committing Title IX Sexual Harassment against a student. Information about alternative resolution can be found in the Complaint Resolution and Investigation Procedures.

923.9 Complaint Resolution and Investigation Procedures; Guiding Principles.

The Director of Equal Opportunity/Title IX Coordinator is responsible for conducting the investigation or assigning an investigator to investigate the complaint of discrimination. The Director of Equal Opportunity/Title IX Coordinator will publish Complaint Resolution and Investigation Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Complaint Resolution and Investigation Procedures will comply with the Guiding Principles for the investigation of discriminatory behavior set forth below:

1. The Investigator will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.
2. ISU will ensure that the Title IX Coordinator, investigators, decision-makers, and any individual who facilitates alternative resolution will receive appropriate training.

3. The investigator will provide sufficient notice to the Respondent and appropriate time to prepare a response before an interview, consistent with the Complaint Resolution and Investigation Procedures.
4. The Director of Equal Opportunity/Title IX Coordinator, in consultation with appropriate university officials, may remove a student Respondent from an education program or activity, including student employment, on an emergency basis if ISU determines that an immediate threat to the physical health or safety of any student, faculty member, staff member or visitor exists arising from the allegations of sexual harassment. The Respondent will be given notice and an opportunity to challenge the decision immediately following removal.
5. Non-student employees may be reassigned consistent with [Policy 501 Principles of Conduct for Faculty and Staff, Section 501.2 Extraordinary Action](#).
6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the adjudication process.
7. ISU, not the Complainant or Respondent, is responsible for gathering information sufficient to reach a determination that Respondent violated the policy.
8. Complainants and Respondents will have an equal opportunity to have a support person or advisor present at interviews, consistent with the Complaint Resolution and Investigation Procedures.
9. Complainants and Respondents will have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence, consistent with the Complaint Resolution and Investigation Procedures.
10. Complainants and Respondents will have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations in the formal complaint, consistent with the Complaint Resolution and Investigation Procedures.
11. The investigation and determination will be completed reasonably promptly.
12. The investigator will produce a report that will be available to both Complainant and Respondent in a manner consistent with the Complaint Resolution and Investigation Procedures.

923.10 Standard of Evidence.

The standard of evidence in all discrimination matters is preponderance of evidence. The investigator or Hearing Panel (as applicable) will determine whether it is more likely than not that the Respondent violated this policy.

923.11 Determinations of Discriminatory Behavior.

The specific procedures for adjudicating prohibited conduct depend upon the nature of the Respondent's relationship to the University, and when a Respondent is an employee or a third party, on the type of prohibited conduct at issue.

923.11.1 Determinations of Discriminatory Behavior. In all investigations except those involving allegations of Title IX Sexual Harassment, Prohibited Harassment (sexual) with a student Respondent, or Sexual Misconduct with a student Respondent, the assigned investigator will make a determination about whether or not it is more likely than not that discrimination or harassment prohibited by this policy has occurred.

The final investigation report, including the determination, will be provided to the appropriate Cabinet Member(s). The Cabinet Member to whom the Respondent reports will make a determination about disciplinary action or sanctions, if warranted. The appropriate Cabinet Member may take disciplinary action against a Respondent based on the contents of the investigation report and the determination of discrimination.

923.11.2 Determinations of Title IX Sexual Harassment. Formal complaints of Title IX Sexual Harassment will be adjudicated by a Hearing Panel after the conclusion of the fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the President. The Hearing Panel will make the determination about whether it is more likely than not that the Respondent engaged in Title IX Sexual Harassment as defined by Section 923.3.3.

- **923.11.2.1 Disciplinary Outcomes in Title IX Sexual Harassment**

Determinations. If the Hearing Panel determines that the Respondent engaged in Title IX Sexual Harassment, federal law requires the Hearing Panel to include the sanction within its written determination. Disciplinary outcomes for students may include, but are not limited to, a conduct warning, conduct probation, mandated assessments, educational requirements, and/or temporary or permanent separation from Indiana State University in accordance with the Code of Student Conduct. Disciplinary outcomes for faculty and staff will be consistent with University policies and procedures related to employee discipline.

- **923.11.3 Determinations of Prohibited Harassment (Sexual) or Sexual Misconduct (Students).** Formal complaints of Prohibited Harassment (sexual) or

Sexual Misconduct involving student Respondents will be adjudicated by a Hearing Panel after the conclusion of a fact-gathering investigation. The Hearing Panel will hold a live hearing that is governed by the Guiding Principles set forth in Section 923.11.6 and conducted in accordance with Hearing Procedures approved by the President. The Hearing Panel will make the determination about whether or not it is more likely than not that the Respondent engaged in Prohibited Harassment, as defined by Section 923.3.2, or Sexual Misconduct, as defined in Section 923.3.4.

- **923.11.4 Other Misconduct.** In cases where the final investigation report identifies misconduct other than discriminatory conduct, the Cabinet member may refer the matter for further review or take disciplinary action based on the contents of the investigation report. All such disciplinary action will be consistent with ISU policy.
- **923.11.5 Allegations of more than one form of discrimination.** If more than one form of discrimination is alleged, the investigator will make the determination regarding all allegations of discrimination or harassment that would not otherwise be determined by a Hearing Panel pursuant to this policy.
- **923.11.6 Hearing Procedures; Guiding Principles.** The Director of Equal Opportunity>Title IX Coordinator will publish Hearing Procedures, approved by the President, for all adjudications of Title IX Sexual Harassment, Prohibited Harassment (sexual), and Sexual Misconduct. When substantive changes to the procedures are proposed, the Director of Equal Opportunity>Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The Hearing Procedures will comply with the following Guiding Principles:

1. The Hearing Panel will remain fair, objective, and impartial throughout the investigation process and will not have a conflict of interest or bias.
2. ISU will ensure that the Hearing Panel and Advisors provided by ISU will receive appropriate training.
3. All Complainants and Respondents will be entitled to have an Advisor present during the hearing, and the Advisor will have the opportunity to question witnesses, the investigator, and the other party. The Complainant and Respondent may choose the Advisor, or, at the request of the Complainant or Respondent, ISU will provide the Advisor. No party will be allowed to ask questions of any witness, the investigator, or the other party.

4. All Complainants and Respondents will be entitled to have a support person, subject to the Hearing Procedures.
5. The hearing may, at the request of any party, be conducted in separate areas, and connected to the hearing using technology resources.
6. The Respondent will be presumed not responsible for the alleged conduct until a determination regarding responsibility is made final.
7. Complainants and Respondents will have an equal opportunity to present information to the Hearing Panel, consistent with the Hearing Procedures.

- **923.11.7 Notification to Complainant and Respondent.** In all investigations of discriminatory conduct, both the Complainant and the Respondent will be notified in writing of the determination and, where appropriate, the disciplinary outcome.

923.12 Appeal.

Either party may appeal the determination to the President on the following grounds:

1. Procedural irregularity that affected the outcome.
2. New evidence, not reasonably available at the time of determination or dismissal was made, that could reasonably affect the outcome.
3. Conflict of interest or bias that affected the outcome of the hearing.

The Director of Equal Opportunity/Title IX Coordinator will publish Appeal Procedures, approved by the President, for all investigations of discriminatory conduct, including sexual harassment. When substantive changes to the procedures are proposed, the Director of Equal Opportunity/Title IX Coordinator or the General Counsel will consult with the officers of the shared governance units about the proposed changes.

The President's decision on the merits of the appeal will be final.

923.13 Retaliation.

Retaliation against participation in the reporting, investigation, or determination of discriminatory or harassing conduct is prohibited and will constitute a separate violation of this policy.

923.14 Campus Notifications.

The Director of Equal Opportunity/Title IX Coordinator will cooperate with the ISU Chief of Police on any notifications to the campus about health and safety emergencies that might arise because of a report of a violation of this policy.

923.15 Privacy.

All reports of discrimination will be treated with the maximum possible privacy.

923.16 Training.

Those individuals involved in investigation, adjudication, and appeal of allegations of discrimination and harassment will be provided appropriate training and education. The President may require training or education of all employees and students on this policy.



INDIANA UNIVERSITY

EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

Indiana University
September 5, 2025

Introduction

Indiana University respectfully submits this documentation pursuant to Executive Order 25-39. The report is intended to cover the entire Indiana University system.

Definition of Antisemitism

The IHRA definition of antisemitism has been included by IU as part of its commitment to maintaining a safe and welcoming environment for all students since at least 2023. IU assesses all complaints received related to protected classes including those alleging antisemitism and/or related to Jewish ancestry and religion:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

Policy Related to Antisemitic Actions and Speech

Indiana University has had a [non-discrimination policy](#) since 1969 and prior to 2025 used the protected classes of religion and/or national origin to address antisemitism. In 2025, ancestry was added as a protected class in that policy (UA-01). In 2020, the IU Sexual Misconduct policy was revised to become the [Discrimination, Harassment, and Sexual Misconduct policy \(UA-03\)](#) adding complaint resolution procedures for allegations of discrimination and harassment against university employees and units. The definitions of discrimination and harassment in that policy apply to allegations concerning all protected classes and are used in assessments and investigations of antisemitism by employees. Allegations of antisemitism by students are addressed under the [IU Student Code of Rights, Responsibilities and Conduct under the personal misconduct definitions](#). The full text of these policies is provided below as an appendix.

Acts of Antisemitism and Institutional Responses

Item #	1. Date	2. Description (summary)	4. Response
Reports Involving Students		The following reports were evaluated under the Student Code of Rights, Responsibilities and Conduct	
1	10/29/2023	A student reported that a student was walking the halls of a dorm with a Palestine flag and waving in student's faces and that some students felt threatened.	Outreach sent to student and accused student left the dorm. Residence Life staff met with the host of the accused student, who would not provide the name of the accused student. The host stated it was not a good idea to have the accused student on the floor again.
2	11/15/2023	A student reported that another student was asking students "What side of the Israeli conflict they were on"	Outreach sent to student. Office of Student Conduct (OSC) staff attempted to meet with the accused student regarding this, among multiple concerns. The student failed to meet and received a Policy Reminder notice for the totality of concerns.
3	2/23/2024	A Jewish alumni reported that he arrived to participate in a panel and members of the audience were wearing Palestinian kufiya scarves	Reporting alumni indicated he did not want to be contacted regarding the incident
4	4/20/2024	A student reported that they approached students during a Palestinian support rally and the students participating in the rally shouted profanities and slurs at the reporting students. The reporting students left because they did not feel safe	Phone call to reporter who stated he wished to meet with OSC. The reporter did not attend the scheduled meeting.
5	8/28/2024	A parent reported that a student repeatedly posted statements about Israel and 9/11 and accused "Zionists", who the parent considers Jewish students, of attacking disabled protestors.	Outreach sent to parent reporter who replied that they wanted this student to be held accountable for what he posted on his private social media account.
6	8/29/2024	A student reported that two student-staff members (RA&CUE) of a residence building displayed a Palestinian flag with the words "from the river to the sea" outside their room on the bulletin board.	Outreach sent to impacted student. A second outreach was sent. Student did not respond. Incident notification shared with residence life staff.

7	9/6/2024	A faculty member reported that a graduate student displayed a "Free Palestine" image on Zoom during a workshop. When the faculty member requested that participants refrain from posting political messages, the graduate student posted about the incident on social media	OSC spoke with the program director and referred him to a campus resource for conflict resolution.
8	9/20/2024	A Jewish student reported that during a classroom small group discussion one of their classmates compared to concept of "epistemicide" in their reading to current affairs and then saw their Star of David necklace and said "Zionism and Judaism are not the same thing" and that "Zionism is disgusting" and "Zionism is equivalent to Nazism".	Outreach sent to impacted student. A second outreach was sent. Student retrieved both outreach emails but did not respond.
8	11/7/2024	Student in class started yelling at the professor and said many things: accused Israel of genocide, made false claims about Zionism, accused Israel of being racist, etc. Student then stormed out mid-lecture. Reporting student does not feel safe in class with him.	Met with impacted student and they do not believe meeting with the accused student will educate him. Outreach to professor: Moving forward, the class will change to asynchronous curriculum delivery - pre-recorded lectures accessible to all three students in the course. Students will not engage with one another and will be graded by another person.
10	3/30/2025	A student reported that another student posted an antisemitic post on LinkedIn and the reporting student stated that he did not feel safe	OSC charged the student under the Code of Conduct for an alleged threat of harm. OSC met with the student and adjudicated the case.
11	3/31/2025	A student reported that another student sent them a message on Microsoft Teams personal chat saying "if you and [name] ever pull that shit again you will answer to me face to face...We can disagree all day but the second you attempt to tarnish my reputation I will take the gloves off. Consider this your first and last warning.", following a conversation about a LinkedIn post on posters of information on mezuzahs posted by the university	Met with impacted student and they were encouraged to file a report with Bloomington Police Department because the incident happened off campus and to reach out if there were any future issues.

12	3/22/2025	A student reported another student's LinkedIn post about removing mezuzahs from public student spaces like the IMU.	Outreach sent to impacted student. Email was retrieved but student did not respond.
13	5/20/2024	Student gave an interview on Talk TV and said "there is no video evidence" when asked about the torture of Israeli women on October 7th. He also said "this is not the equivalent of holocaust denial" because "there is little evidence" when talking about the victims and atrocities that occurred on October 7th.	Resolved - No further action possible.
14	5/20/2024	Student was interviewed by Russel Quirk. In the interview student says "I do not believe there is ample evidence that the Holocaust is as bad as people say it was"	Resolved - No further action possible.
15	8/21/2025	The student sped by in his car, saw my yarmulke, rolled down his window, shouted "F***ing Kike," and made an obscene gesture by flipping me off.	Pending
16	11/20/2023	A Jewish student reported that another student was showing up to Jewish Student Union meetings and making antisemitic remarks, speaking in an exaggerated Jewish accent, and wearing a "Jewish costume"	Outreach to impacted student who requested accused student cease attendance at Jewish Student Union meetings. Outreach to accused student who agreed to refrain from attending future Jewish Student Union meetings
17	9/24/2024	A Jewish student reported another student took photos of the impacted student "dressed up and wearing [his] Jewish hat" and sent them to other people. The impacted student reported feeling targeted and worried for his safety.	Outreach to impacted student. Impacted student did not respond to outreach beyond the initial intake conversation

Item #	1. Date	2. Description (summary)	4. Response
Reports involving Employees		The following reports were evaluated under the Discrimination, Harassment, and Sexual Misconduct policy (UA-03)	
18	10/16/2023	Enrolled student reported employed instructor made antisemitic comments in class and reported concerns about the historical accuracy of teaching in class on history of Israel and Palestine.	University representative met with student. Student was provided a withdrawal without it appearing on transcript. Concerns were evaluated and fell within academic freedom. The academic concerns were referred back to department chair to address pedagogically.
19	Fall 2023	Employee reported that another employee engaged in antisemitism and created a hostile work environment.	University representative met with reporting party, notified the other party of the allegations and conducted an investigation. There was a finding that the employee engaged in discrimination and harassment based on national origin and the employee received corrective action.
20	11/14/2023	Enrolled student reported employed instructor sharing the student's X(formerly Twitter) account in a classroom discussion and accused the student of receiving funding from Israeli government.	University representative met with student and evaluated information related to the class. University conducted an initial assessment and determined that there was no evidence that the instructor harassed or encouraged others to harass the student.
21	Spring 2024	Employees reported receiving anonymous antisemitic emails from accounts outside of the university.	The reports were referred to the Indiana University Police Department.
22	4/29/2024	Parent of enrolled student reported graduate student employee made comments supporting the protests at Dunn Meadow and shared concerns that the student would be discriminated against on basis of Jewish ancestry.	University representative outreached to the student, but received no response. The University followed up with the academic department. The academic department addressed the concerns with the graduate student employee.
23	4/29/2024	An anonymous reporter alleged that a graduate student employee made supportive comments regarding protests at Dunn Meadow and expressed concern that they would be discriminated against on the basis of Jewish ancestry.	The University followed up with the academic department. The academic department addressed the concerns with the graduate student employee.
24	Spring 2024	An anonymous reporter alleged that a graduate student employee made antisemitic comments by emphasizing the rapes of Palestinian women but not mentioning rapes committed by Hamas.	The University followed up with the academic department. The academic department addressed the concerns with the graduate student employee.
25	6/6/2024	An employee reported that there was a drawing of a Jewish "shabbat candle stick" next to words that read "kills children" at the site of a campus protest.	Upon review it was found to be a drawing of the IU logo not a candlestick.

26	8/16/2024	Parent of an enrolled student alleged that an employed instructor made anti-Israel comments after showing a video the instructor produced of protests at Dunn Meadow.	Student did not respond to outreach, there was no evidence of a policy violation.
27	12/20/2024	Enrolled student alleged that an employed instructor's column in the Herald Times was in response to the student's previous article in the Herald Times and was motivated by antisemitism.	University representative met with student and evaluated information. University informed the student the instructor's statements did not fall within the scope of University policy.
28	1/24/2025	Enrolled student alleged that an employed instructor created a hostile educational environment for student and others with Jewish ancestry.	University representative met with student, notified the instructor of an investigation into the allegations. Interviews and information gathering occurred during the investigation. The investigation outcome is pending.
29	May-Aug/2025	Eight employees reported receiving anonymous antisemitic emails from accounts outside the university.	The reports were referred to the Indiana University Police Department.
30	8/8/2025	Employee reported concerns that university actions against Jewish employees that express anti-Zionist views are antisemitic.	University representative offered to schedule meeting for complaint assessment.

Appendix – Policy Text

Discrimination, Harassment, and Sexual Misconduct

UA-03

About This Policy

Effective Dates:

03-01-2015

Last Updated:

06-26-2025

Responsible University Administrator:

President, Indiana University Academic Leadership Council Executive Committee

Policy Contact:

Scope

- I. This policy applies to all members of the Indiana University community, including:
 - A. All students
 - B. All academic appointees, staff and part time (hourly) employees
 - C. All others while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors, and others while involved in an off-campus Indiana University program or activity.
- II. Other university policies and codes related to misconduct remain in effect for complaints of misconduct other than discrimination, harassment and/or sexual misconduct. However, any report or complaint of misconduct that includes elements of the **covered behaviors** below may be addressed in accordance with this policy and its related complaint resolution procedures.
- III. A foundational principle of Indiana University is its enduring partnership across its units, including faculty, to collectively advance the institution's mission. The establishment, revision, and retirement of academic policies will occur with consultation and input from the University Faculty Council.

Policy Statement

I. OVERARCHING POLICY TENETS

- A. Indiana University prohibits discrimination and harassment on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status (“protected classes”) in matters of admission, employment, housing, services, and in its educational programs and activities.
- B. This policy governs the university’s response to all forms of **discrimination** and **harassment**, and **sexual misconduct**. Such behaviors are unacceptable under Indiana University policy. (See **UA-01, Indiana University Non-Discrimination Policy**.) The university does not tolerate conduct in violation of this policy and will take action to prevent and address such misconduct.

C. It is the policy of the university to comply with all applicable federal and state laws regarding unlawful

discrimination and harassment against protected classes. Procedures for reporting incidents of discrimination, harassment and/or sexual misconduct, and for investigating and adjudicating formal complaints, are part of this policy and are included below. These complaint resolution processes may vary depending on applicable law and policies relevant to the specific misconduct. In appropriate cases, and upon consultation with the Vice President and General Counsel, the university reserves the right to take prompt action in accordance with other university procedures. Questions about this policy, as well as the applicable complaint and complaint resolution processes, may be directed to the appropriate contacts set forth in this policy. (See [Additional Contacts](#).)

- D. Individuals who believe they have experienced discrimination, harassment and/or sexual misconduct in violation of this policy, and all members of the university community who may be aware of such incidents, are encouraged to promptly report incidents of discrimination, harassment, and/or sexual misconduct to the appropriate designated officials. (See [Additional Contacts](#).)
- E. Some employees may have reporting obligations based on their role and responsibilities under this and other policies (See [Employee Reporting Obligations](#).)
- F. Retaliation against anyone who makes a report of discrimination, harassment and/or sexual misconduct, or who participates in an investigation under any of the complaint resolution procedures set forth herein, is prohibited. (See [Retaliation](#).)
- G. For every report, the university will review the circumstances of the reported conduct to determine whether the university has jurisdiction over the parties involved, and to take steps within its control to eliminate, prevent, and address the reported conduct. The university will respond promptly to all reports and assess all information available; the potential Complainant(s) will be offered information regarding resources and supportive measures, as well as options regarding reporting and applicable complaint resolution procedures. Where a formal complaint is filed or initiated, the university will provide a fair and impartial investigation and resolution, provide supportive and interim measures and, in the event a policy violation is found, impose appropriate sanctions and provide remedial measures. The appropriateness and severity of the sanctions imposed, up to and including termination or expulsion of the offender, will depend on the circumstances of the particular case. If the Respondent is not a member of the university community or is no longer affiliated with the university at the time of the report or at the time a formal complaint is initiated (including when the Respondent has graduated or left the university), the university typically is unable to take disciplinary action or conduct an investigation through the complaint resolution procedures herein.

II. JURISDICTION

- A. This policy applies to any reported discrimination, harassment and/or sexual misconduct that is alleged to have occurred on campus, in the context of any university program or activity, or among current members of the university community off campus. This policy also applies to reported discrimination, harassment and/or sexual misconduct that has a continuing adverse effect or creates a hostile environment for one or more individuals.
- B. The applicable complaint resolution process for addressing a formal complaint will depend on a number of factors, including the type and nature of the alleged conduct, the role of the parties, where the alleged conduct occurred, and applicable law.
- C. For disciplinary action to be issued, the Respondent must be a student, academic appointee, or staff employee of the university. All third-party vendors or contractors are subject to the policies and procedures of their employers, however, the university reserves the right to bar a non-community member from being present. This policy's complaint resolution procedures do not apply to reports that a volunteer or non- member of the university community engaged in discrimination, harassment, and/or sexual misconduct. The university may take steps to eliminate, prevent, and address the reported conduct by volunteers or non-community members without going through the complaint resolution process.
- D. Where the reported behavior undermines the security of the university community or poses a serious threat to self or others, other applicable university procedures for suspension or dismissal may be applied.

III. COVERED BEHAVIORS

This policy applies to the following behaviors and conduct. A formal complaint that a member of the university community engaged in one or more of these covered behaviors will be addressed pursuant to the applicable complaint resolution procedures.

A. Discrimination: Prohibited discrimination is treating someone differently based on their actual or perceived membership in a **protected class**, or any other classification protected by law, in matters of admissions, employment, education, or in the programs or activities of the university.

1. In determining whether discrimination occurred, the university considers whether there was an adverse impact on the individual's work or education environment and whether individuals outside of the protected class received more favorable treatment. If there was an adverse impact on the individual's work or education environment, the university considers whether there is a legitimate, non-discriminatory reason for the action.
2. Examples of discrimination can include refusing to hire or promote someone because of their membership in a protected class; denying someone a raise or employment benefit because of their membership in a protected class; reducing someone's job responsibilities because of their membership in a protected class; denying someone access to an educational program based on their membership in a protected class; or denying someone access to a university facility based on their membership in a protected class.

B. Harassment: Harassment prohibited under this policy is verbal or physical conduct, or conduct using technology, directed toward someone because of their membership in a protected class (or a perception that someone is a member of a protected class) that has the purpose or effect of substantially interfering with the individual's access to education or work, or creating an intimidating, hostile or offensive working environment or academic experience.

1. An individual's subjective belief that behavior is intimidating, hostile, or offensive does not make that behavior harassment. The behavior must create a hostile environment from both a subjective and objective perspective such that it unreasonably interferes with, limits, or deprives a member of the university community of the ability to participate in or to receive benefits, services, or opportunities from the university's education or employment programs and/or activities.
2. In determining whether a hostile environment exists, the university will examine the context, nature, scope, frequency, duration, and location of incidents, as well as the relationships of the individuals involved, and apply the appropriate standard according to the applicable complaint resolution procedures.
3. Examples of harassment can include offensive jokes, slurs, name-calling, intimidation, ridicule or mockery, or displaying or circulating offensive objects and pictures that are based on a protected class, including **sex and gender-based harassment**.
4. Harassment not based on membership in a protected class that has the purpose or effect of substantially interfering with the individual's access to education or work, or creating an intimidating, hostile or offensive working environment or academic experience, is also prohibited and will be addressed by the appropriate human resources, academic affairs, or student conduct processes.

C. Sexual Misconduct: All forms of Sexual Misconduct, which are more fully defined within this policy:

1. **Sexual Harassment**
2. **Sexual Assault**
3. **Sexual Exploitation**
4. **Dating Violence**
5. **Domestic Violence**
6. **Stalking**

D. Academic Appointee and staff employee relationships with students are governed by [UA-22, Employee Relationships Involving Students](#).

IV. INTELLECTUAL INQUIRY AND DEBATE

A. In determining whether discrimination, harassment and/or sexual misconduct has occurred and what type of remedy, if any, might be appropriate in a given case, the university will also consider the fact that free intellectual inquiry, debate, and constructive dialogue are vital to the university's academic mission and must be protected even when the views expressed are unpopular or controversial. Accordingly, any form of speech or expressive conduct that is protected by state or federal law, including the First Amendment, is not subject to this policy.

B. This policy is meant neither to proscribe nor to inhibit discussions, in or out of the classroom, of complex, controversial, or sensitive matters, including matters involving protected characteristics, when, in the judgment of a reasonable person, they arise for legitimate academic and pedagogical purposes. This includes intellectual inquiry, debate, and dialogue on related issues. The mere expression of views, words, symbols, or thoughts that some people find offensive does not by itself create a hostile environment.

V. EDUCATION, PREVENTION, AND TRAINING

A. Every Indiana University campus shall publicize and provide ongoing educational programming for students, employees and other members of the university community to promote awareness of the problems caused by discrimination, harassment and sexual misconduct and to help prevent and attempt to reduce its occurrence. Educational programs and information will include campus-specific information on how and where to report, resources available, and safe and positive options for bystander intervention to address, intervene, and prevent such conduct. Efforts will be made to ensure that educational programs are culturally relevant and inclusive of the diverse communities and identities found at each campus.

B. Employee training shall be provided to all employees regarding the requirements of this policy. Certain training may be mandated by applicable federal or state law. The appropriate training will be tailored to the audience and will include reporting and response obligations, available resources, and information about how to prevent and identify discrimination, harassment and/or sexual misconduct. Individuals specifically involved in implementing this policy and its procedures will be trained regarding their application, conducting the investigations, hearings and other decision-making processes, conflict of interest and unconscious bias, and other aspects of this policy.

Reason For Policy

- I. Indiana University is committed to the success, safety and well-being of all members of the university community, including students, academic appointees, and staff. Indiana University recognizes that discrimination, harassment, and/or sexual misconduct may result in grave and often long-lasting effects on those involved and is committed to conducting timely investigation of allegations and to taking appropriate actions and consequences following investigations.
- II. Indiana University is committed to compliance with state and federal laws regarding discrimination, harassment and/or sexual misconduct, to making required reporting to state and federal agencies, and to working with law enforcement officials and agencies where applicable. The university is also committed to using its resources in research and education to improve programs aimed at preventing and reducing discrimination, harassment and sexual misconduct in our community and ensuring safe, diverse, equitable, and inclusive communities.
- III. In cases where an individual is listed as key personnel on a federal sponsored award (e.g including but not limited to National Science Foundation and the National Institutes of Health), the university may be required to report any determination that the individual violated UA-03 as well as if they are placed on administrative leave or other administrative action has been imposed as a result of an investigation. Such instances will be shared with the Authorized Organizational Representative in the Office of Research Administration to report to the funding agency.

Procedure

I. TENETS APPLICABLE TO ALL COMPLAINT RESOLUTION PROCESSES

A. University Provided Information:

1. The appropriate designated official will promptly contact anyone who reports to the university that they have experienced discrimination, harassment, and/or sexual misconduct and will offer to meet and provide written information about:
 - a. Potentially applicable university procedures, including to whom and how a formal complaint can be filed, as well as the individual's rights and options within the university proceedings;
 - b. If the conduct is of a potential criminal nature, options about the involvement of and reporting to law enforcement, and information about the importance of preserving evidence that may assist in proving the alleged criminal offense occurred, as well as how to preserve such evidence;
 - c. Civil orders of protection issued by courts and how to obtain such orders; and
 - d. Available campus and community resources, including the availability of supportive measures.

B. Reporting an Incident:

1. **In an emergency or where immediate help is needed, call 911.**
2. Anyone wishing to report an incident of discrimination, harassment and/or sexual misconduct that may be of a criminal nature can do so by contacting local law enforcement. If the incident did not occur on campus, IUPD can help direct the individual to the appropriate law enforcement agency.
3. The university encourages anyone who has experienced discrimination, harassment and/or sexual misconduct to report what happened to the university, to ensure they are informed of the available supportive measures, on and off campus resources, options to make a formal complaint, and applicable complaint resolution processes, and to allow the university to respond appropriately. Anyone wishing to report can do so by contacting the designated official on their campus or by completing the online form. (See [Additional Contacts](#).)
4. Reports of sexual misconduct made to a [Responsible Employee](#) that are not initially reported to the [University Sexual Misconduct & Title IX Coordinator](#) and/or [Deputy Sexual Misconduct & Title IX Coordinator\(s\)](#) for the respective campus will be shared with those officials in a timely manner.
5. If a report of discrimination, harassment and/or sexual misconduct is not made initially to the Indiana University Police Department (IUPD), and the information indicates it may be a crime reportable under the [Clery Act](#), non-identifying information regarding the date, time, location and nature of the crime will be shared with IUPD for purposes of complying with the Clery Act.
6. If the university receives a report that indicates law enforcement should be informed and involved due to the potential threat to health and safety of an individual or the university community, the university may also share the identifying information needed for appropriate response by IUPD or law enforcement agency with jurisdiction.

c. Sexual Misconduct Involving a Child/Minor:

Sexual misconduct involving a child/minor (anyone under 18 years of age) must be reported. Indiana state law requires that any individual who has reason to believe that a child/minor is a victim of child abuse or neglect (including sexual misconduct) has an affirmative duty to make an oral report to the Indiana Department of Child Services hotline 1-800-800-5556 or to their local law enforcement or to IUPD. Failure to report may result in criminal charges. Other university policy requirements regarding reporting apply for students or employees working in positions covered by the [Programs Involving Children](#) policy. (See [PS-01, Programs Involving Children](#) for more information.)

D. Amnesty:

1. The university strongly encourages students to report instances of discrimination, harassment and/ or sexual misconduct. Therefore, students who report an incident pursuant to this policy will not be disciplined by the university for violations of the Code of Students Rights, Responsibilities & Conduct related to their drug and/or alcohol consumption in connection with the reported incident.
2. Students are also afforded immunity against certain charges for alcohol-related crimes under Indiana's Lifeline Law in connection with a report of a medical emergency, so long as they cooperate with law enforcement at the scene. (See IC 7.1-5-1-6.5.)

E. Retaliation:

Protections against retaliation are critical to reducing the prevalence of discrimination, harassment, and sexual misconduct within the university community. Retaliation against anyone who has reported an incident of discrimination, harassment and/or sexual misconduct, provided information, or participated in procedures or an investigation into a report of discrimination, harassment and/or sexual misconduct, is prohibited by the university and may be considered and addressed as a potential violation of this policy or other applicable university policies. Acts of retaliation include intimidation, threats, coercion, discrimination, and/ or harassment, whether physical or communicated verbally or via written communication (including the use of e-mail, texts, and social media), as well as adverse changes in work or academic environments, or other adverse actions or threats. The university will take steps to prevent retaliation and will impose sanctions on anyone or any group who is found to have engaged in retaliation in violation of this policy. Concerns about potential retaliation in connection with a report of discrimination, harassment, and/or sexual misconduct should be reported to the designated officials under this policy. (See [Additional Contacts](#).)

F. Roles, Duties and Obligations of Certain Employees:

1. Sexual Misconduct & Title IX Coordinators ("Coordinator(s)":
 - a. The University Sexual Misconduct & Title IX Coordinator ("University Coordinator") will be promptly informed of all reports of sexual misconduct and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with applicable law and this policy.
 - b. Deputy Sexual Misconduct & Title IX Coordinators ("Deputy Coordinators") will be promptly informed of all reports of sexual misconduct for their campus and pursuant to their specific delegated role, and will assist the University Coordinator in ensuring that outreach, response, investigation and adjudication occurs in accordance with applicable law and this policy.
 - c. Deputy Coordinators and other officials within the university will work with the University Coordinator to ensure that adequate education, training, and appropriate resources are available and provided on their respective campus.
 - d. The University Coordinator will monitor the university's education programs and activities for barriers to reporting information about conduct that may reasonably constitute sex discrimination and will take reasonable steps to address such barriers.

2. Equity Officials:

- a. The Associate Vice President of Institutional Equity ("AVP of Institutional Equity") will be promptly informed of all reports of discrimination and harassment and will oversee the university's review, investigation, and resolution of those reports to ensure the university's compliance with applicable law and this policy.
- b. Campus Equity Officials will be promptly informed of all reports of discrimination and harassment for their campus and will assist the AVP of Institutional Equity to ensure that outreach, response, investigation and adjudication occurs in accordance with applicable law and this policy.
- c. Campus Equity Officials will work with the AVP of Institutional Equity and other officials within the university to ensure that adequate education, training, and appropriate resources are available and

provided on their respective campus.

G. Employee Reporting Obligations:

Certain employees within the university, based on the nature of their role and the type of information known to them, may have a duty to report discrimination, harassment and/or sexual misconduct to the appropriate designated university officials to ensure the university can respond promptly. These obligations are set forth below:

1. **Discrimination & Harassment:** University employees with teaching responsibility or supervisory authority within the university are obligated to promptly report incidents of discrimination or harassment, to the designated campus Equity Official. (See [Additional Contacts](#).)

2. Sexual Misconduct:

- a. Employees designated as “[Responsible Employees](#)” are obligated to promptly report incidents of sexual misconduct to the University Coordinator or their designated campus Deputy Coordinator. (See [Additional Contacts](#).) All other employees (unless they are designated as confidential employees, see below) are obligated to either report incidents of sexual misconduct to the University Coordinator or their designated campus Deputy Coordinator or refer individuals to offices or websites with applicable information.

- b. Responsible Employees include:

- i. All employees with teaching responsibility, including academic appointees, student academic appointees, and any others who offer instruction (whether in-person or online) or office hours to students;
- ii. All advisors;
- iii. All coaches and other athletic staff who interact directly with students;
- iv. All student affairs administrators;
- v. All residential hall staff;
- vi. All employees who work in offices that interface with students; and
- vii. All supervisors and university officials.

3. **Sanctions for Non-Reporting** An employee who has a duty to report discrimination, harassment, and/ or sexual misconduct who fails to report the information known to them to the appropriate designated university officials or who actively discourages a Complainant from making a report or initiating an investigation may be subject to disciplinary action under this policy.

H. Exempt Disclosures:

1. Employees who otherwise have reporting obligations under this policy are exempt from reporting disclosures of discrimination, harassment and/or sexual misconduct when made during limited situations, including:
 - a. Disclosures made as part of participation in research activities that have received human subjects approval through the university’s Institutional Review Board (IRB);
 - b. Disclosures made as part of an academic assignment;
 - c. Disclosures made at public awareness events;
 - d. Disclosures made during the course of communications protected as privileged communications under applicable law, including attorney-client privilege and medical professional privilege.
2. Following such disclosures, and when appropriate given the circumstances, the Responsible Employee should offer resources and reporting information and options.
3. These limited exemptions from reporting do not relieve a university employee from the obligation to report a disclosure of child abuse or neglect, which must be reported to appropriate officials in all instances.

(See [Sexual Misconduct Involving a Child/Minor](#)).

4. Responsible Employees who are also [Campus Security Authorities](#) may still have an obligation to report information as required by the Clery Act and university policy [UA-16 \(Clery Act Compliance\)](#).

I. Confidential Employees

1. Certain university employees – based on their own professional licensure and the nature of their role on campus – have been identified by the university as Confidential Employees and are available to speak with individuals and maintain the individual's desire for anonymity and absolute confidentiality. These Confidential Employees are exempt from the reporting requirements that apply under this policy. Individuals who desire anonymity in discussing and seeking assistance should contact and/or be referred to a Confidential Employee.
2. Confidential Employees include, but are not limited to:
 - a. Licensed, professional mental health counselors working in that capacity for the campus, and those they supervise;
 - b. Health care professionals and staff located in on-campus health care centers; and
 - c. Any staff or specialists on a campus specifically designated as non-professional sexual assault advocates.
3. Faculty, staff, and other employees who are licensed mental health workers or are licensed medical workers, but who are not working in that capacity, such as faculty members in psychology, social work, nursing, etc., are not Confidential Employees under this policy.
4. Any Confidential Employee who is not a licensed mental health counselor or pastoral counselor serving in those roles must provide non-identifying aggregate information regarding any Clery crime known to them directly to IUPD.
5. Students or employees serving in an ombuds or peer navigator role in a unit or department, or as a Title IX liaison, are not Confidential Employee under this policy and have no exemption from the reporting requirements of this policy.
6. Employees who are uncertain whether they have a reporting obligation under this section are encouraged to contact the designated officials for their campus to seek guidance.

J. Role of Law Enforcement

1. Any individual who has experienced discrimination, harassment and/or sexual misconduct that may be of a criminal nature is encouraged to contact IUPD or local law enforcement.
2. IUPD responds to emergency situations on Indiana University campuses and typically communicates and works with the appropriate designated officials to assist in investigations and incident response, as well as to track statistics for Clery Act reporting.
3. Individuals with a possible criminal case who have not made their initial complaint via the police will be provided with information about how to file a complaint with law enforcement. Individuals may also request assistance from campus authorities in notifying law enforcement. Individuals may decide not to notify law enforcement authorities and proceed only with a university investigation.
4. A university investigation under the complaint resolution procedures identified in this policy may be initiated and/or proceed simultaneously with a criminal case. The university will cooperate with law enforcement and, if requested by law enforcement, defer its fact gathering for a brief period during the evidence gathering stage of a criminal investigation. However, the university will not consider its investigation on hold pending a criminal prosecution or investigation, and will continue to communicate with individuals, address the need for any supportive measures regarding safety and well-being and resume its own fact gathering as soon as permitted.
5. The determination by law enforcement whether or not to prosecute a Respondent or the outcome of a criminal proceeding does not determine whether a violation of university policy has occurred. Records of

university proceedings may be subpoenaed for a criminal prosecution.

k. Privacy

1. The university is committed to safeguarding the privacy of the parties in a manner consistent with the objective to effectively investigate and prevent incidents of discrimination, harassment and/or sexual misconduct. In all cases, the university will share the parties' information and details of the allegation only with university officials, law enforcement personnel, and other individuals who have a legitimate administrative or legal reason to be so informed. Records will not be disclosed outside the university unless required by law or subpoena.
2. All individuals with knowledge of a reported incident of discrimination, harassment and/or sexual misconduct are expected to safeguard the privacy of those involved and are encouraged to report such knowledge to the appropriate officials.

L. Requests for No-University Action

1. If an individual discloses that they have experienced an incident of discrimination, harassment and/ or sexual misconduct to the university, but indicates or requests that the university not investigate the particular incident, requests that no disciplinary action be taken, requests that the alleged perpetrator not be notified, or makes any similar request, the university will always consider such request(s), and will, in general, work to honor the request(s). Absent a formal complaint, the university will weigh such request(s) against its obligation to provide a safe, non-discriminatory environment for all, including for the individual who experienced the discrimination, harassment, or sexual misconduct. If the university determines that it is able to honor the individual's request(s), the individual should understand that the university's ability to meaningfully investigate the incident and/or respond appropriately may be limited.

If, however, the university determines it must proceed under the circumstances, it will work to notify the individual in advance.

2. The university has designated the following official to evaluate an individual's request for no or limited action by the university in connection with a report of discrimination, harassment and/or sexual misconduct: the AVP of Institutional Equity, Deputy Title IX Coordinators, and campus Equity Officials.

These officials will consult with relevant administrators on their campus and the Office of the Vice President and General Counsel, where appropriate, in making these determinations.

M. Response to Reports of Discrimination, Harassment or Sexual Misconduct

1. Determination by the university of applicable complaint resolution procedures upon receipt of a formal complaint after a report of discrimination, harassment and/or sexual misconduct will follow the steps identified below, depending on whether the Respondent is a student or employee, and whether the matter falls within the scope of Title IX or the other provisions of this policy. Employees who are also students may be subject to procedures for students or employees, or both.
2. If the individual reported as having been engaged in discrimination, harassment and/or sexual misconduct is not a student or employee of the university, the university shall take all appropriate measures to determine information regarding the individual, what occurred, whether another entity needs to be contacted to join in or assume an investigation (e.g., another institution of higher education), and to provide assistance in notifying the proper law enforcement authorities, if applicable. The university will also provide supportive and remedial measures, to the extent possible, to protect the reporting individual and eliminate any hostile environment.
3. The university reserves the right to investigate circumstances that may involve discrimination, harassment and/or sexual misconduct in situations where no complaint, formal or informal, has been filed. In limited circumstances, the university reserves the right to reopen a case previously considered closed in the event of new information or other appropriate circumstances.

N. Supportive and Interim Measures

1. Upon receiving a report of discrimination, harassment, or sexual misconduct, the university will offer and provide appropriate and reasonable supportive measures, regardless of whether a formal complaint is filed, according to the specific needs and circumstances of the situation. These measures may vary depending on an individual's campus, needs, or specific circumstances. Supportive measures may include, but are not limited to: assistance in changing academic, living, transportation, and/or work situations; referral to counseling, medical and/or other healthcare services; advocacy and advising services; and assistance in obtaining protective orders.
2. In the event a formal complaint is filed and an investigation is initiated according to the complaint resolution procedures below, all parties will be offered supportive measures, and interim measures may be taken, depending on the specific allegations and circumstances, and may include suspension of the Respondent from campus or some portion of campus, pending completion of the investigation. When contemplating [interim suspension of a student under this policy](#), campus interim suspension procedures will be followed.
3. In the event of a finding of responsibility following the university's adjudication of a formal complaint, the university will take any additional and necessary measures with respect to the Complainant and other members of the community, as well as the appropriate disciplinary action with respect to the individual found responsible.

I.

II. SUMMARY OF RIGHTS OF THE COMPLAINANT AND RESPONDENT IN ALL COMPLAINT RESOLUTION PROCEDURES

The rights of the parties in any of the complaint resolution procedures under this policy include:

- A. To be fully informed of university policies and procedures, as well as the nature and extent of all alleged violations contained within the allegation.
- B. To be treated with respect.
- C. To be accompanied by an advisor present during all proceedings, investigation meetings, or related meetings.
- D. To have adequate, reliable, and impartial investigation and appropriate resolution of all complaints of discrimination, harassment and/or sexual misconduct.
- E. To be informed by the university of options to notify proper law enforcement authorities including on campus and local police, and the option to be assisted by campus authorities in notifying proper law enforcement, if the individual chooses.
- F. To be notified of available resources including counseling, mental health, academic, and other support services, both at the university and in the community.
- G. To have allegations investigated and adjudicated by individuals who are properly trained to investigate and resolve allegations of discrimination, harassment and/or sexual misconduct.
- H. To participate in the investigation and complaint resolution process, including the opportunity to identify witnesses and other appropriate evidence, and to be informed of adverse evidence and provided the opportunity to respond to it through the process.
- I. To have allegations investigated and adjudicated in a reasonable timeframe given the circumstances of the specific case.
- J. To have the preponderance of the evidence standard (more likely than not) applied in determining responsibility.
- K. To have appeal rights as afforded under the applicable complaint resolution procedures.

Complaints of discrimination and harassment alleged against a university student will be addressed according to the [Code of Student Rights, Responsibilities & Conduct](#) and the campus specific conduct procedures.

A. Covered Behaviors

These procedures cover discrimination against, or harassment of, an individual based on their actual or perceived age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status.

B. Initial Assessment

1. Upon receipt of a report or complaint of discrimination and/or harassment, the Equity Official or other designated investigator will conduct an initial assessment to determine whether it falls within the scope of this policy; whether the conduct alleged rises to the level of an allegation of discrimination or harassment; whether any evidence has been presented; whether there are legitimate non-discriminatory reasons for the actions taken; and whether these procedures apply. If the allegations on their face do not rise to the level of a UA-03 policy violation, but do indicate a matter of concern, the Equity Official and other offices will work to address the concern through other appropriate avenues. If a report or complaint raises allegations that are outside the scope of this policy, but may violate other university policy(ies), the matter will be referred to the appropriate university office.
2. Based on (1) the initial assessment, (2) the desires of the complaining party, and (3) the availability of appropriate remedies to eliminate, prevent, and/or address the occurrence or effects of the alleged misconduct, the investigator will determine whether to initiate a formal investigation, decline a formal investigation, or refer the matter to another university process. In the event of a declination, a summary of the materials reviewed and determinations will be provided to the complainant.
3. The decision not to formally investigate does not preclude the Office of Institutional Equity from re-evaluating the allegations upon receipt of new information or evidence.
4. When the initial assessment results in a decision not to proceed with the complaint under UA-03, the complainant may appeal that decision to the Decisional Official within 10 calendar days of the notice of the decision (see below).

c. Discrimination Complaints Against a Unit or Department:

1. In response to a complaint of discrimination, the Investigator will gather relevant information from the Complainant, the respective unit/department at issue, other university offices, and potential witnesses.
2. After gathering all relevant information, the Investigator will make a determination whether discrimination occurred.
3. The Investigator will issue a letter setting forth the relevant findings and, if applicable, any necessary remedial actions or other recommendations to the Complainant and the unit/department. In the event the findings include evidence of discrimination, the Investigator will advise the unit/department in taking any necessary and appropriate remedial action. The report will be shared with campus leadership or the senior leadership in the unit, as appropriate.

D. Discrimination or Harassment Complaints Against Academic Appointees or Staff:

1. For the purpose of these procedures, relevant officials with key responsibilities are:
 - a. **Investigator** – The Equity Official for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate the investigation with other offices such as human resources, academic affairs, and student affairs.
 - b. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - i. For complaints against staff employees, including part-time (hourly), the DO will be the

university employee relations director.

- ii. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School of Medicine, as appropriate.
- iii. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/Chancellor.
- iv. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
- v. For complaints against the President, the DO will be the Board of Trustees.

c. **Appellate Official (AO)**—The AO may review the decision of the campus DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:

- i. For an appeal in a complaint against staff employees, including part-time (hourly), the Vice President of Human Resources.
- ii. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School of Medicine, as appropriate.
- iii. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
- iv. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.

d. **Faculty Board of Review (FBR)** - In faculty cases, following the determination of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

2. Interim Action

- a. If, upon the receipt of a complaint, the Equity Official determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the DO and any other appropriate university officials. The DO may administer such interim action at any point in this process pending the final outcome.
- b. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

3. Informal & Alternative Resolutions

a. Informal Action:

In appropriate cases, the university may pursue informal actions in connection with reported discrimination or harassment, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal complaint resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.

b. Alternative Resolution Options:

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to facilitated mediation, development of an action plan, and other voluntary steps to resolve the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be required in cases involving any violence or where the

complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the Equity Official and the DO.

c. Acceptance of Responsibility:

In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations, the Respondent may be offered the opportunity to bypass the remainder of the investigatory stage of the complaint resolution process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Investigation

- a. Following the initial assessment, if a formal investigation is initiated, the Investigator(s) will notify the Complainant and the Respondent. The Respondent will be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a date by which an appointment must be made to discuss the matter.
- b. The Investigator will conduct fact-finding as to the allegations made against the Respondent and preserve all evidence collected.
- c. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
- d. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
- e. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

5. Report of Investigation

- a. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
- b. The Investigation Report will include:
 - i. The specific allegation(s);

- ii. The Respondent's response to the allegation(s);
- iii. A summary of the relevant information gathered from the parties, witnesses and other sources; as well as explanation for any information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
- iv. An analysis of the information and a recommendation as to whether the Respondent is responsible or not responsible for the alleged violation(s) of this policy, using a preponderance of the evidence standard (more likely than not), and a recommendation as to appropriate sanctions, if any, as set forth below.

- c. At the conclusion of the 10-day period, the Investigator will review the information submitted by any party and determine whether and to what extent to incorporate such information into the Investigation Report.
- d. The Investigator will then provide the Investigation Report to the DO, as well as to each party.

6. Finding and Decision

- a. Upon receiving the Final Investigation Report, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. The DO will provide each party the opportunity to meet and provide comment and make a statement. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities are provided for the parties.
- b. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - i. Finding of "No Violation":
If there is a determination that the behavior alleged and investigated did not violate the discrimination and harassment policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of "No Violation" shall be maintained with the campus Equity Official's office, and not in the employee's personnel file.
 - ii. Finding of a "Violation"
If there is a determination that the behavior alleged and investigated was in violation of the discrimination and harassment policy, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
- c. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

7. Sanctions

- a. Sanctions for a violation of the university's discrimination and harassment policy include the following:
 - i. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file or other similar corrective action (other than to promotion and tenure dossier, which is included in Level Two Sanctions below). Level One sanctions are not appropriate if Respondent is found responsible for a physical act of violence.
 - ii. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
- b. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

8. Appeals

- a. Following the decision, either party may appeal to the Appellate Officer (AO) on the basis of:
 - i. Significant procedural error that reasonably would have affected the outcome.
 - ii. Newly discovered evidence that reasonably would have affected the outcome.
 - iii. Significant bias in the process.
 - iv. The finding of responsibility is not supported by the evidence in the Investigation Report.
 - v. The appropriateness of the sanctions.
- b. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is submitted, all parties will be notified.
- c. Upon receipt of appeal, the AO shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
- d. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a determination.
- e. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - i. Affirming the DO's original finding(s).
 - ii. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - iii. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- f. To the extent possible, the parties will be notified simultaneously in writing of the final determination following an appeal.

9. Request for Faculty Board of Review

- a. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
- b. The basis(es) for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and must be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
- c. The FBR will only receive the Final Investigation Report; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Director of Institutional Equity.
- d. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Director of Institutional Equity, the Equity Official, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The faculty grievant, the Complainant, and one designated university

official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.

- e. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - i. Affirm the AO's determination.
 - ii. Recommend an alternative finding and/or sanction.
 - iii. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
- f. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
- g. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - i. Affirming the prior determination on appeal.
 - ii. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
 - iii. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
- h. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

10. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

A. Covered Behaviors

Covered sexual misconduct behaviors include sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. Some covered behaviors will have different definitions depending on whether the complaint is proceeding under Title IX or University Complaint Resolution Procedures.

B. Complaint

1. When the campus Deputy Sexual Misconduct & Title IX Coordinator ("Coordinator") receives a report alleging that a student or employee has engaged in sexual misconduct, and a Complainant can be identified, the Coordinator (or designee) will reach out to the Complainant and offer supportive measures and information about campus complaint procedures.
2. The Coordinator will determine if the Complainant would like to submit a formal written complaint. If the Complainant does not wish to submit a formal written complaint, the Coordinator will assess this as a request for no university action (see [Request for No University Action](#)) and, if necessary and appropriate, may choose to be the named Complainant. If the neither the Complainant nor the Coordinator chooses to submit a formal written complaint, the allegations must not be heard under Title IX Complaint Resolution Procedures, but may be reviewed under other university procedures.
3. If a formal written complaint has been submitted and signed by Complainant, the Coordinator will determine if the complaint meets the following criteria to proceed with the Title IX Complaint Resolution

Procedures:

- a. At the time the formal written complaint is submitted and signed, the Complainant is a current IU student, employee, or is currently attempting to participate in an IU program or activity;
- b. The behavior alleged occurred as part of an IU program or activity; and
- c. The behavior alleged occurred against an individual in the United States.

4. If these criteria are not met either initially or as determined later in the process, or if the Complainant withdraws their complaint, the complaint must be dismissed under the Title IX Complaint Resolution Procedures; however, the allegations may be assessed under the University Complaint Resolution Procedures or other procedures.
5. Based on the allegations in the formal written complaint, the initial inquiry, and meeting with the Complainant, the Coordinator will also determine if the allegations fall into at least one of the following categories:
 - a. The allegations include sexual assault, and/or dating violence, and/or domestic violence, and/or stalking;
 - b. The allegations include quid pro quo sexual harassment;
 - c. The allegations include sexual harassment that, if true, would be pervasive and severe and objectively offensive.
6. If the allegations do not fall into any of the above categories, the complaint will be dismissed under the Title IX Complaint Resolution Procedures. In that event, the complaint may be investigated under University Complaint Resolution Procedures or other procedures if applicable. If the allegations include behavior in one or more of the above categories, or if the Coordinator needs more information to make this determination, then the complaint may proceed to the investigation stage under Title IX Complaint Resolution Procedures.
7. In the event the complaint is dismissed under Title IX Complaint Resolution Procedures at any point, once notice of Title IX dismissal is given to the parties, either party may appeal that decision to the designated official within 10 days. If the Coordinator chooses not to proceed with the complaint under any university procedures, once notice is given to the parties, either party may appeal that decision to the designated official on the following bases:
 - a. Procedural irregularity that affected the outcome;
 - b. New evidence that was not reasonably available at time determination of dismissal was made, that reasonably could have affected the determination; and/or
 - c. The Title IX Coordinator(s), Investigator, or other official designated to make the determination of dismissal, had a conflict of interest or bias for or against the party(ies) that affected their determination.
8. When allegations implicate both University and Title IX Complaint Resolution Procedures, as well as other policies and procedures, the investigation may proceed under the Title IX Complaint Resolution Procedures and include charges under other processes within this policy or other university procedures.

A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. [Sexual Harassment](#)
2. [Sexual Assault](#)
3. [Dating Violence](#)
4. [Domestic Violence](#)
5. [Stalking](#)

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – An Investigator for the campus student affairs office, or an appropriate designee, will conduct fact-finding as the Investigator and will issue the Preliminary and Final Investigation Report.
2. **Hearing Panel** – The hearing panel will review the case at the hearing and make a decision regarding whether or not the Respondent is found responsible and propose sanctions, if applicable. The Hearing Panel Chair will coordinate the process and make any determinations of relevance regarding questions asked by advisors.
3. **Sanctioning Official** – Upon a finding of responsibility by the Hearing Panel, the Sanctioning Official will review the proposed sanctions and make the final determination of the sanctions to be applied to the Respondent.
4. **Student Affairs Official** – The Student Affairs Official, which may be the campus dean of students, or an appropriate designee, may review the decision and sanction following an appeal by either party, and make a subsequent determination.

c. Investigation

1. Upon receipt of a formal complaint of an allegation of Title IX sexual misconduct, the Investigator(s) will notify the Complainant and the Respondent in writing. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond.
2. The investigation may include, but is not limited to interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainants, Respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation Report, and all information submitted will be included in the Investigation File.
3. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicated a pattern of similar prohibited conduct.
4. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
5. All members of the university community, including the parties and witnesses, are expected to cooperate with the investigative and hearing process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.
6. Following the investigation, the Investigator will provide a Preliminary Investigation Report and Investigation File to each party and their advisor. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any additional and/or clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
7. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report.

Report. The Investigator will provide the Final Investigation Report and Investigation File to each party and their advisor at least 10 days prior to the scheduled hearing.

8. Information submitted by the parties following the conclusion of the 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.
9. When preparing the Final Investigation Report, the Investigator will determine the appropriate charge(s), if any, under this policy, to be placed on Respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps. If the Investigator determines that there is insufficient evidence to support placing a charge under the Title IX Complaint Resolution Procedures, the parties will be provided the Final Investigation Report and notified that no charges will be placed under Title IX sexual misconduct. If there are remaining charges under this policy or the Student Code, those may proceed according to the applicable procedures.
10. If it is determined at any time during this process that the allegations do not fit within Title IX sexual misconduct, the complaint will be dismissed under these procedures. The complaint may then be referred to other procedures within this policy or Student Code, if appropriate. The Complainant and Respondent will be notified of this dismissal and referral to other procedures (if applicable) in writing. The Complainant and Respondent will have the opportunity to appeal the dismissal to the designated Student Affairs official as provided in the overarching procedures above.
11. The Complainant may request to withdraw the complaint prior to the conclusion of the investigation by contacting the Investigator or appropriate Deputy Title IX Coordinator in writing. The Investigator or Deputy Title IX Coordinator will then determine whether to close the case or refer the complaint to other procedures within this policy or Student Code.
12. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

D. Selection of Advisors

1. The Complainant and Respondent must have a Hearing Advisor that will be present during the hearing to conduct questioning of other parties. If the party does not identify in advance an advisor for this purpose, one will be appointed by the university. The university-provided Hearing Advisor is selected by the university and will not necessarily be an attorney, even if the other party is represented by an attorney. The Hearing Advisor may not participate or speak for the parties except during the questioning of other parties and witnesses. The Hearing Advisor is permitted to review the Investigation File.
2. The Complainant and Respondent may have another advisor throughout the complaint resolution process that may accompany them during proceedings. The non-hearing advisor is not permitted to conduct any questioning at the hearing. Any advisor(s) engaged that is external to the university is at the expense of that party.

E. Alternative Resolution Options

1. In appropriate cases, including cases where the Respondent expresses a willingness to accept responsibility for any or all charges, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility (see below), mediation, development of action plans, voluntary resolutions, appropriate sanctions, and/or appropriate remedies.
2. Under any alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin or resume the complaint resolution process. Face-

to-face mediation may not be used in cases involving physical or sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.

3. In cases where the Respondent expresses a willingness to accept responsibility for any or all charges in a case, the Respondent may be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the conduct officer. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the Respondent (if applicable). In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

F. Sexual Misconduct Hearing

1. A three-person hearing panel will be assembled to make a determination of Respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.
2. Hearing panel members will be drawn from the pool of faculty, staff, graduate students, and/or hearing officers retained by the university for purposes of adjudicating these hearings. At a minimum, at least one panel member shall be a student affairs administrator.
3. Upon review of the Final Investigation Report, all witnesses deemed relevant to the specific allegations will be called to the hearing.
4. The hearing is closed except for the parties, their advisor(s), the hearing panelists and other university officials necessary to facilitate the proceedings.
5. The hearing will take place in-person or will be conducted remotely via secure university software. Complainant and Respondent are expected to be available in-person or via video and audio for the duration of the hearing. Witnesses are expected be available in-person or via video and audio for the portion of the hearing relevant to their statement.
6. The Chair of the hearing panel shall review the charge(s) placed against the Respondent and the specific facts alleged.
7. Both the Complainant and the Respondent will have equal opportunity to provide a statement to the hearing panel.
8. No one other than the hearing panel members and the each party's Hearing Advisor may pose questions during the hearing. The Complainant and Respondent may not directly question each other, but may provide questions to their Hearing Advisor to be asked of the other party on their behalf. The Chair, in consultation with hearing panelists and appropriate university officials, will determine if questions are relevant to the case.
9. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
10. If Complainant or Respondent does not appear at the hearing, their Hearing Advisor may still ask any relevant questions of other party(ies) and witness(es) on their behalf.
11. During the hearing, the panel and parties (through their Hearing Advisor) may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigator. Additional evidence that was reasonably available but not shared with the Investigator, including witnesses that were known but not identified during the courses of the investigation, may be excluded during the hearing.

G. Decision & Sanctions

1. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
2. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the Sanctioning Official (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final decision regarding appropriate sanctions. The hearing panel will then notify the parties of the decision and sanctions by means of a written notice. The Respondent and/or the Complainant may request an appeal (see below).
4. Possible sanctions for cases in which a student is found in violation of this policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

H. Appeal

1. The Respondent or the Complainant may appeal the decision of the Title IX hearing panel to the campus Student Affairs official (or designee). To initiate an appeal, a party must send written notice of appeal to the designated official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see below).

2. Timing:

The notice of appeal must be filed no later than 10 calendar days after the date the written decision sent. If an appeal is submitted by a party, all parties will be notified and given the opportunity to submit a written statement, and the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the designated Student Affairs Official within 5 calendar days. During this time, supportive measures in place will remain in effect (e.g., no contact order). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.

3. Basis(es) for Appeal:

The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:

- a. Procedural irregularity that affected the outcome;
- b. New evidence that was not reasonably available at the time the determination or dismissal was made, that reasonably could have affected the outcome;
- c. The Title IX Coordinator(s), Investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or

d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Determination and Sanction

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record, unless the appeal is submitted on the basis of newly available information. The designated Student Affairs official must render a determination within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the Respondent and the Complainant, in writing, of the determination and will initiate the necessary procedures to effectuate the determination.
- c. The determination of the designated Student Affairs official is final and there will be no further appeals.

I. Notice

The Complainant and the Respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal determination, if applicable. Written notice will be provided electronically through Indiana University email accounts.

J. Requests for Accommodations and Special Circumstances

1. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
2. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.

K. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. [Sexual Harassment](#)
2. [Sexual Assault](#)
3. [Dating Violence](#)
4. [Domestic Violence](#)
5. [Stalking](#)

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – The Deputy Coordinator(s) for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
2. **Hearing Official** - A hearing official will be responsible for assisting the DO during the hearing process including reviewing the Investigation File, assisting with determinations of relevancy during questioning, and coordinating a fair and respectful hearing.
3. **Decisional Official (DO)** – The DO will be present at the sexual misconduct hearing and, following the hearing, will issue the decision determining responsibility and assign appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - a. For complaints against staff employees, including temporary (hourly), the DO will be the university employee relations director.
 - b. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School of Medicine, as appropriate.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/Chancellor.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.
4. **Appellate Official (AO)** – The AO may review the decision of the DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:
 - a. For an appeal in a complaint against staff employees, including temporary (hourly), the Vice President of Human Resources.
 - b. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School of Medicine, as appropriate.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
5. **Faculty Board of Review (FBR)** – In faculty cases, following the determination of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

C. Interim Action

- a. If, upon the receipt of a complaint, the Coordinator or Deputy Coordinator determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with DO and any other appropriate university officials. The DO may administer such interim action at any point in this process pending final outcome.
- b. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

D. Informal & Alternative Resolutions

1. Informal Action:

In appropriate cases, the university may pursue informal actions in connection with reported sexual misconduct, including when the individual who may have experienced the conduct does not wish to

pursue a formal complaint, and/or when there is not enough information to proceed with a formal complaint resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.

2. Alternative Resolution Options:

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to facilitated mediation, development of an action plan, and other voluntary steps to resolve the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be required in cases involving any physical or sexual violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the Coordinator and the DO.

3. Acceptance of Responsibility:

In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations in a case, the Respondent may be offered the opportunity to bypass the remainder of the investigatory stage of the complaint resolution process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent (if applicable). The right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

E. Investigation

1. Upon receipt of a signed formal complaint of sexual misconduct that falls within the scope of this policy, the university will take immediate and appropriate steps to investigate the allegations.
2. The Investigator(s) will notify the Complainant and the Respondent in writing.
3. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter.
4. The Investigator will conduct fact-finding as to the allegations made against the Respondent and will preserve all evidence collected.
5. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
6. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
7. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be

relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

8. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

F. Report of Investigation

1. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
2. The Investigation Report will include:
 - a. the specific allegation(s);
 - b. the Respondent's response to the allegation(s);
 - c. a summary of the relevant information gathered from the parties, witnesses and other sources; as well as explanation for any additional and/or clarifying information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and
 - d. an analysis of the information.
3. At the conclusion of the 10-day period, the Investigator will review any additional information submitted that is directly related and make it available to all parties. The Investigator may incorporate such information into the Investigation Report.
4. Information submitted by the parties following the conclusion of the 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.
5. The Investigation Report will be submitted to the DO, and the parties will be provided the Investigation Report and notified of next steps in regard to the hearing.
6. The investigation will be conducted in a reasonable timeframe given the circumstances of the specific case.

G. Selection of Advisors

At any point in the investigation, but prior to the hearing, the Complainant and Respondent may select an advisor of their choice, and at their expense, to advise them throughout the sexual misconduct process. If a party does not have an advisor for the hearing, the university will provide one for them. The university-provided Hearing Advisor is selected by the university and will not necessarily be an attorney, even if the other party is represented by an attorney. The Hearing Advisor will have the opportunity to review all evidence collected in the investigation.

H. Hearing

1. The complaint resolution process will include a live hearing. The hearing will be closed except for the parties, their advisors, the DO and Hearing Official, and other university officials necessary to facilitate the proceedings. Witnesses will be expected to be available in-person or via video and audio for the portion of the hearing relevant to their statement. The hearing will be recorded. Deliberations following the hearing are not recorded.
2. At the request of either party, the hearing may occur with the parties located in separate locations using technology for those involved to see and hear each other.

3. Complainants and Respondents are not permitted to personally conduct questioning. Each party's Hearing Advisor may ask the other party and any witnesses all relevant questions, including those challenging credibility. Questions must be verbal, direct, and in real time. The Hearing Official and the DO will make determinations as to the relevance of questions and may exclude a question as not relevant.
4. During the hearing, the panel and parties (through their Hearing Advisor) may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigator. Additional evidence that was reasonably available but not shared with the Investigator, including witnesses that were known but not identified during the course of the investigation, may be excluded during the hearing.

I. Finding and Decision

1. At the conclusion of a hearing, the DO, in consultation with the Hearing Official, shall deliberate without the parties present to determine responsibility for the specific allegations based on the evidence.
2. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If, after deliberations, the DO determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of university policies, the DO will make the final determination regarding appropriate sanctions. The DO will then notify the parties of the determination and sanctions by means of a written notice. The Respondent and/ or the Complainant may request an appeal (see below).
4. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of "No Violation" of the university's policies:
If there is a determination that the behavior alleged and investigated did not violate the university's policies, the DO shall provide the parties written notice of the finding. Documentation regarding a finding of "No Violation" shall be maintained with the Deputy Title IX Coordinator's office, and not in the employee's personnel file.
 - b. Finding of a "Violation" of the university's policies:
If there is a determination that the behavior alleged and investigated was in violation of the university's policies, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
5. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

J. Sanctions

1. Sanctions for violations of this policy include the following:
 - a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
 - b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

k. Appeals

1. Following the decision, either party may request an appeal to the Appellate Officer (AO) on the basis of:
 - a. Procedural irregularity that affected the outcome;
 - b. New evidence that was not reasonably available at the time the determination was made and that reasonably could have affected the outcome;
 - c. The Title IX Coordinator(s), Investigator(s), DO or hearing official had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
 - d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.
2. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified and provided an opportunity to submit a written statement. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
3. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a decision.
4. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
5. To the extent possible, the parties will be notified simultaneously in writing of the final decision following an appeal.

L. Request for Faculty Board of Review following the AO's Determination

1. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
2. The basis(es) for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
3. The FBR will only receive the Final Investigation Report; the Investigation File; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Coordinator.
4. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Coordinator, Deputy Coordinator, and other university

officials necessary to the proceedings. No witnesses will be allowed in the FBR. The grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.

5. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - a. Affirm the AO's determination.
 - b. Recommend an alternative finding and/or sanction.
 - c. Recommend that the determination be set aside and a new investigation be conducted. (This option will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).
6. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
7. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - a. Affirming the prior determination on appeal.
 - b. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
 - c. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
8. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

M. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. [Sexual Harassment](#)
2. [Sexual Assault](#)
3. [Sexual Exploitation](#)
4. [Dating Violence](#)
5. [Domestic Violence](#)
6. [Stalking](#)

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – An Investigator for the campus student affairs office, or an appropriate designee, will conduct fact-finding as the Investigator and will issue the Preliminary and Final Investigation Report.
2. **Hearing Panel** – The hearing panel will review the case at the hearing and make a decision regarding whether or not the Respondent is found responsible and propose sanctions, if applicable. The Hearing

Panel Chair will coordinate the process and make any determinations of relevance regarding questions posed.

3. **Sanctioning Official** – Upon a finding of responsibility by the Hearing Panel, the Sanctioning Official will review the proposed sanctions and make the final determination of the sanctions to be applied to the Respondent.
4. **Student Affairs Official** – The Student Affairs Official, which may be the campus dean of students, or an appropriate designee, may review the decision and sanction following an appeal by either party, and make a subsequent determination.

c. Investigation

1. If sexual misconduct proceedings are initiated, the Investigator(s) will notify the Complainant and the Respondent in writing. The Respondent will be provided a scheduled meeting date or a date by which an appointment must be made to discuss the matter. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond.
2. The investigation may include, but is not limited to interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainants, Respondents, witnesses identified by any party, or the university. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter. The university shall determine what information and evidence will be included in the Investigation File.
3. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
4. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
5. All members of the university community, including the parties and witnesses, are expected to cooperate with the investigative and hearing process. Failure to comply with a request to make and/ or keep an appointment may result in a disciplinary hold being placed on the student's account and/or the initiation of student conduct charges for failure to comply.
6. Following the investigation, the Investigator will provide a Preliminary Investigation Report and Investigation File to each party and their advisor. The parties will be provided 10 calendar days to review the Preliminary Investigation Report and the Investigation File and provide any additional and/or clarifying information to the Investigator. This period of 10 days will be the final opportunity for parties to submit additional information to the Investigator. At the conclusion of the 10-day period, the Investigator will review the information submitted by either party and determine whether and to what extent to incorporate such information into a Final Investigation Report.
7. Information submitted by the parties following the conclusion of the 10-day period will not be included in the Final Investigation Report or case file, unless it is information that a party requested prior to or during the 10-day period that was not reasonably available prior to the deadline. The reasons for the submission of that information beyond the 10-day period will be evaluated by the Investigator.
8. When preparing the Final Investigation Report, the Investigator will determine the appropriate charge(s), if any, under this policy, to be placed on Respondent, and include the charge(s) in the Final Investigation Report. If the Investigator places a charge(s), the Final Investigation Report will be submitted to a hearing panel for the determination of responsibility, and the parties will be provided the Final Investigation Report and notified of next steps. If the Investigator determines that there is insufficient evidence to support

placing a charge, the parties will be provided the Final Investigation Report and notified that no charges will be placed. If there are remaining charges under the Student Code, those may proceed according to the applicable procedures.

9. The investigation and determination of responsibility will be conducted in a reasonable timeframe given the circumstances of the specific case.

D. Selection of Advisors

The Complainant and Respondent may have an advisor throughout the complaint resolution process that may accompany them during proceedings. Advisors are not permitted to speak on behalf of the parties or conduct any questioning at the hearing.

E. Alternative Resolution Options

1. In appropriate cases, including cases where the Respondent expresses a willingness to accept responsibility for any or all charges, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility (see below), mediation, development of action plans, voluntary resolutions, appropriate sanctions, and/or appropriate remedies.
2. Under any alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin or resume the complaint resolution process. Face-to-face mediation may not be used in cases involving physical or sexual violence. The Investigator shall document the outcome of any alternative resolution and share with the parties.
3. In cases where the Respondent expresses a willingness to accept responsibility for any or all charges in a case, the Respondent will be offered the opportunity to waive the right to a formal hearing as to the specific charge(s) and all related procedural guarantees, and agree to receive a sanction from the designated student affairs conduct officer. In such situations, the parties will each be provided the opportunity to submit a written statement to the conduct officer for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the conduct officer. The conduct officer shall consider only the parties' written statements regarding sanctions, the relevant facts from the investigation, and past conduct history of the Respondent, if applicable. In such cases, the right to appeal will be limited to an appeal on the grounds that the sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

F. Sexual Misconduct Hearing

1. A three-person hearing panel will be assembled for a sexual misconduct hearing to make a determination of Respondent's responsibility as to the specific charge(s) set forth in the Final Investigation Report.
2. Hearing panel members will be drawn from the pool of faculty, staff and graduate students who have completed the university's required annual training on issues related to sexual misconduct and university policies and procedures. At a minimum, at least one panel member shall be a student affairs administrator.
3. Upon review of the Final Investigation Report, the hearing panel will determine witnesses who may be called, if any, to participate in the hearing.
4. The sexual misconduct hearing is closed, except for the parties, their advisor, the hearing panelists and other university officials necessary to facilitate the proceedings.
5. The hearing will take place in-person or will be conducted remotely via secure university software. Complainant and Respondent are expected to be available in-person or via video and audio for the duration of the hearing. Witnesses are expected to be available in-person or via video and audio for the portion of the hearing relevant to their statement.

6. The Chair of the hearing panel shall review the charge(s) placed against the Respondent and the specific facts alleged.
7. Both the Complainant and the Respondent will have equal opportunity to provide a statement to the hearing panel.
8. No one other than the hearing panel members, the Complainant, and the Respondent may pose questions during the hearing. The Complainant and Respondent may not directly question each other, but may submit questions to the Chair to be asked of the other party. The Chair or other panel members will review questions prior to posing to the other party to prevent questioning that is not permitted under these proceedings.
9. The sexual misconduct hearing is recorded. Deliberations by the panel, following the hearing, are not recorded.
10. During the hearing, the panel and parties may review and question the information in the Final Investigation Report and case file and statements made by the Complainant, Respondent, witnesses, and/or Investigator. Additional evidence that was reasonably available but not shared with the Investigator, including witnesses that were known but not identified during the course of the investigation, may be excluded during the hearing.

G. Decision & Sanctions

1. At the conclusion of a hearing, the panel shall deliberate without the parties present to determine responsibility for the specific charge(s) based on the evidence.
2. If, after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does not support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will notify both the Respondent and the Complainant by means of a written notice. The Complainant and/or Respondent may request an appeal (see below).
3. If after deliberations, the hearing panel determines that the information contained in the Final Investigative Report and gathered during the hearing, does support by a preponderance of the evidence (more likely than not) that the Respondent is responsible for a violation of this policy and the Student Code, the hearing panel will propose sanctions. The proposed sanctions will be reviewed by the Sanctioning Official (or designee) to ensure that the sanctions are proportional to the severity of the violation and consistent with university standards. In the event of a conflict between the hearing panel and the Sanctioning Official, the Sanctioning Official will make the final determination regarding appropriate sanctions. The hearing panel will then notify the parties of the determination and sanctions by means of a written notice. The Respondent and/or the Complainant may request an appeal (see below).
4. Possible sanctions for cases in which a student is found in violation of this policy and the Student Code for acts of sexual misconduct include, but are not limited to formal warnings, behavioral assessment and/or counseling, required educational training, disciplinary probation, suspension, and/or permanent expulsion.

H. Appeal

1. The Respondent or the Complainant may appeal the decision of the sexual misconduct hearing panel to the designated Student Affairs official (or designee). To initiate an appeal, a party must send written notice of appeal to the designated Student Affairs official. The written notice must include the basis(es) for seeking the appeal and include information to support such basis(es) (see below).

2. Timing:

The notice of appeal must be filed no later than ten calendar days after the date the written decision of the sexual misconduct hearing panel is sent. If an appeal is submitted by either party, all parties will be notified and the underlying decision and any corresponding sanction will be held in abeyance until final notice of the appeal outcome. Upon its receipt of a written appeal, the university shall notify the

other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the designated Student Affairs Official within 5 calendar days. During this time, any interim measures in place will remain in effect (e.g., no contact order, no trespass). If no written request for an appeal is received by the university within the time specified, the decision of the hearing panel and any sanction(s) imposed will be final and in effect.

3. Basis(es) for Appeal:

The designated Student Affairs official will have the sole discretion in determining whether the basis for appeal has been met and whether the appeal can move forward. An appeal must be based on one or more of the following criteria:

- a. Procedural irregularity that affected the outcome;
- b. New evidence that was not reasonably available the at time the determination or dismissal was made, and that reasonably could have affected the outcome;
- c. The Coordinator(s), investigator(s), or hearing panelists had a conflict of interest or bias for or against the party(ies) that affected the outcome; and/or
- d. The sanction imposed is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

4. Determination and Sanction:

- a. If the basis for appeal has been met, the designated Student Affairs official will review the written appeal and the pertinent part of the sexual misconduct hearing panel record only. The designated Student Affairs official will not consider new evidence or information that is not a part of that record. The designated Student Affairs official must render a determination within 15 calendar days of receipt of the appeal and may take any of the following actions:
 - i. Affirm the original decision regarding responsibility.
 - ii. Affirm the original decision concerning the disciplinary sanction(s) to be imposed.
 - iii. Set aside the original decision regarding responsibility and impose a new decision.
 - iv. Set aside the original decision regarding responsibility and order that a new sexual misconduct hearing be held before a new hearing panel.
 - v. Set aside the original decision concerning the disciplinary sanction(s) to be imposed and impose a different sanction or set of sanctions.
- b. The designated Student Affairs official will notify the Respondent and the Complainant, in writing, of the determination and will initiate the necessary procedures to effectuate the determination.
- c. The determination of the designated Student Affairs official is final and there will be no further appeals.

I. Notice

The Complainant and the Respondent will be provided written notice of the outcome of the sexual misconduct hearing, the appeals process, and the appeal determination, if applicable. Written notice will be provided electronically through Indiana University email accounts.

J. Requests for Accommodations and Special Circumstances

1. Just as students with disabilities may be eligible for accommodations in their classes, accommodations may be available for these procedures as well. Students with disabilities requesting accommodations and services under these procedures will need to present a current accommodation verification letter from the campus disability services office before accommodations can be considered and provided.
2. In appropriate circumstances, the university may utilize language translation services to assist in the investigation and/or hearing proceedings.

K. Expectations for Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

A. Covered Behaviors

The following behaviors, as defined below, are covered under these procedures:

1. [Sexual Harassment](#)
2. [Sexual Assault](#)
3. [Sexual Exploitation](#)
4. [Dating Violence](#)
5. [Domestic Violence](#)
6. [Stalking](#)

B. Officials

For the purpose of these procedures, relevant officials with key responsibilities are:

1. **Investigator** – The Deputy Coordinator for the respective campus, or an appropriate designee, will conduct fact-finding as the Investigator and may coordinate with other offices such as human resources, academic affairs, and student affairs.
2. **Decisional Official (DO)** – The DO will issue the decision determining responsibility and assigning appropriate sanctions, if applicable. The DO will be as follows, or an appropriate designee:
 - a. For complaints against staff employees, including part-time (hourly), the DO will be the university employee relations director.
 - b. For complaints against academic appointees, the DO will be the campus Vice Provost/Vice Chancellor for Academic Affairs, or Executive Associate Dean for Faculty Affairs at the School Medicine, as appropriate.
 - c. For complaints against a Dean, a Vice Provost, or a Vice Chancellor, the DO will be the campus Provost/ Chancellor.
 - d. For complaints against a University Vice President, a Provost, a Chancellor, or equivalent, the DO will be the President.
 - e. For complaints against the President, the DO will be the Board of Trustees.
3. **Appellate Official (AO)** – The AO may review the decision of the campus DO, following appeal by either party, and make a subsequent determination. The AO will be as follows, or an appropriate designee:
 - a. For an appeal in a complaint against staff employees, including part-time (hourly), the Vice President of Human Resources.
 - b. For an appeal in a complaint against academic appointees, the campus Provost/Chancellor, or Dean & Executive Vice President for Clinical Affairs for the School Medicine, as appropriate.
 - c. For an appeal in a complaint against a Dean, a Vice Provost, or a Vice Chancellor, the President.
 - d. For an appeal in a complaint against a Vice President, a Provost, a Chancellor, or equivalent, the Board of Trustees.
4. **Faculty Board of Review (FBR)** – In faculty cases, following the decision of the AO, the faculty member may request a review by the campus FBR, which may review and issue a recommendation to the AO.

c. Initial Assessment

1. Upon receipt of a report alleging that an employee has engaged in sexual misconduct, an Investigator will

conduct an initial assessment to determine whether it falls within the scope of this policy, and whether the conduct alleged rises to the level of an allegation of sexual misconduct. If a complaint raises allegations that are outside the scope of this policy, but may violate other university policy(ies), the Investigator will refer the complaint to the appropriate university office.

2. Based on (1) the initial assessment, (2) the desires of the complaining party, and (3) the availability of appropriate remedies to eliminate, prevent, and/or address the occurrence or effects of the alleged misconduct, the investigator will determine whether to initiate a formal investigation, decline a formal investigation, and refer the matter to another university process. In the event of a declination, a summary of the materials reviewed and determinations will be provided to the complainant.
3. The decision not to formally investigate does not preclude the Office of Institutional Equity from re-evaluating the allegations upon receipt of new information or evidence.
4. In the event the Investigator determines not to pursue an investigation under this policy, that decision may be appealed by the Complainant to the DO within 10 calendar days of the decision, requesting a review of the decision not to proceed with an investigation. Upon review, the DO may uphold that decision or order an investigation to proceed.
5. In the event the Investigator determines that the allegations fall within the scope of this policy, the process that follows shall apply.

D. Informal & Alternative Resolutions

1. Informal Action:

In appropriate cases, the university may pursue informal actions in connection with reported sexual misconduct, including when the individual who may have experienced the conduct does not wish to pursue a formal complaint, and/or when there is not enough information to proceed with a formal resolution process against a known Respondent. Informal actions will not result in findings related to responsibility or in sanctions, nor will an informal action preclude further steps, including formal resolution, if a complaint is later made or additional information is received by the university. Informal actions can include, but are not limited to, educational meetings, additional training, and/or continued monitoring.

2. Alternative Resolution Options:

In appropriate cases, the university may pursue alternative resolution with the consent of all parties at any point in the complaint resolution process. These resolution options may include, but are not limited to mediation, development of an action plan, and voluntary resolution of the matter. Under alternative resolution, the Complainant will not be required to resolve the problem directly with the Respondent, unless desired by the Complainant. All parties must be notified of the right to end the alternative resolution process at any time and to begin the formal process. Face-to-face mediation may not be used in cases involving any physical or sexual violence or where the complaint is made against an employee with a position of authority over the Complainant. The Investigator shall document the outcome of any alternative resolution and share with the University Coordinator and the DO.

3. Acceptance of Responsibility:

- a. In cases where the Respondent expresses a willingness to accept responsibility for any or all allegations in a case, the Respondent will be offered the opportunity to bypass the remainder of the investigatory stage of the grievance process and agree to receive a sanction from the DO. In such situations, the parties will each be provided the opportunity to submit a written statement to the DO for consideration in determining appropriate sanctions. Upon its receipt of a Respondent's written acceptance of responsibility, the university will notify the Complainant in writing and shall provide the parties 10 calendar days to submit a written statement to the DO.
- b. In determining sanctions in such cases, the DO shall consider only the allegations and parties' written statements, the relevant facts gathered from the investigation, and past conduct history of the Respondent, if applicable. The right to appeal will be limited to an appeal on the grounds that the

sanction is disproportionate to the violation(s) committed, in light of all relevant aggravating and mitigating factors, and in consideration of applicable university guidelines.

E. Interim Action

- a. If, upon the receipt of a complaint, the Coordinator, or their designee, determines a need for immediate interim action, e.g. removal, reassignment, administrative leave, or suspension, they shall consult with the DO and any other appropriate university officials. The DO may administer such interim action at any point in this process pending final outcome.
- b. Parties may appeal interim action(s) to the AO within 10 days of receipt of notice of interim action.

F. Investigation

1. Following the initial assessment, if a formal investigation is initiated, the Investigator(s) will notify the Complainant and the Respondent. The Respondent shall be informed of the allegations made against them and shall be provided the opportunity to respond. The Respondent will be provided a date by which an appointment must be made to discuss the matter.
2. The Investigator will conduct fact-finding as to the allegations made against the Respondent and will preserve all evidence collected.
3. The investigation may include, but is not limited to, interviews with the Complainant, the Respondent, and other witnesses identified as having information relevant to the allegations made, as well as the examination of written statements by the parties, relevant documents, and other relevant information. Information for the investigation may be provided by Complainant, Respondent, witnesses identified by any party, or the university. The Investigator shall ensure that the Respondent has been informed of all allegations raised and the name of the Complainant(s), and is provided the opportunity to respond.
4. Prior or subsequent conduct of the Respondent may be included in the investigation and considered in determining pattern, knowledge, intent, or motive. The determination of the relevance of pattern evidence will be based on an assessment of whether the previous or subsequent conduct was substantially similar to the conduct under investigation or indicates a pattern of similar prohibited conduct.
5. Information related to prior sexual history of the parties will be prohibited except in very limited circumstances regarding prior sexual history between the parties where such information may be relevant to the issue of consent. However, consent will not be assumed based solely on evidence of any prior sexual history.
6. All members of the university are expected to cooperate fully with the investigative process. Interference with the investigation may result in disciplinary measures pursuant to applicable university policy and procedure. Any individual believed to have information relevant to an investigation may be contacted and requested to make an appointment to discuss the matter.

G. Report of Investigation:

1. Following the investigation, the Investigator will provide an Investigation Report to the parties. The parties will be provided 10 calendar days to review the Investigation Report and any attachments. Parties may provide any additional and/or clarifying information to the Investigator and request access to the Investigation File. This period of 10 days will be the final opportunity for parties to submit any additional information to the Investigator.
2. The Investigation Report will include:
 - a. The specific allegation(s);
 - b. The Respondent's response to the allegation(s);
 - c. A summary of the relevant information gathered from the parties, witnesses, and other sources; as well as explanation for any information submitted or received that was determined not relevant for inclusion; any relevant attachments submitted by parties and used in analysis; and

- d. An analysis of the information and a recommendation as to whether the Respondent is responsible or not responsible for the alleged violation(s) of this policy, using a preponderance of the evidence standard (more likely than not), and a recommendation as to appropriate sanctions, if any, as set forth below.
3. At the conclusion of the 10-day period, the Investigator will review the information submitted by any party and determine whether and to what extent to incorporate such information into the Investigation Report.
4. The Investigator will provide the Investigation Report to the DO, as well as to each party.

H. Finding and Decision

1. Upon receiving the Final Investigation Report, the DO shall issue a finding. The DO may consult with the Investigator concerning the investigation and recommendations. The DO will provide each party the opportunity to meet and provide comment and make a statement. If the DO wishes further consultation with the parties, the Investigator will facilitate consultations to ensure equal opportunities is provided for the parties.
2. The DO will issue one of the following findings, using a preponderance of the evidence standard:
 - a. Finding of “No Violation”:
If there is a determination that the behavior alleged and investigated did not violate this policy, the DO shall provide the parties written notice of the finding. In the event the investigation reveals that the employee may have violated a different university policy, the DO may address any such potential violation through other applicable university policies. Documentation regarding a finding of “No Violation” shall be maintained with the campus Deputy Title IX Coordinator’s office, and not in the employee’s personnel file.
 - b. Finding of a “Violation”:
If there is a determination that the behavior alleged and investigated was in violation of this policy, the DO shall issue the finding and sanction(s) based on the level of sanctions set forth below.
3. The DO shall provide the parties written notice of the finding and any sanctions, if applicable.

I. Sanctions

1. Sanctions for a violation of this policy include the following:
 - a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
 - b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

J. Appeals

1. Following the decision, either party may appeal to the Appellate Officer (AO) on the basis of:
 - a. Significant procedural error that reasonably would have affected the outcome.
 - b. Newly discovered evidence that reasonably would have affected the outcome.
 - c. Significant bias in the process.
 - d. The finding of responsibility is not supported by the evidence in the Investigation Report.

- e. The appropriateness of the sanctions.
2. A request for appeal must be submitted in writing to the AO within 10 calendar days of receiving the DO's decision. The request must set forth the basis(es) for seeking an appeal and must include information to support such basis(es). If an appeal is requested, all parties will be notified. Upon its receipt of a written appeal, the university shall notify the other party in writing that an appeal has been filed and the basis(es) of the appeal, and shall allow the opportunity for other party to submit written statement in support or challenging the outcome to the AO within 5 calendar days.
3. The AO shall first determine whether the basis of appeal has been met, and if so, shall review the findings and any applicable sanctions, in making a determination.
4. The AO shall make a final determination within 15 calendar days of the receipt of any appeal, indicating one of the following:
 - a. Affirming the DO's original finding(s).
 - b. Setting aside the DO's original finding(s) and imposing a new finding and/or sanctions.
 - c. Setting aside the DO's original finding(s) and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
5. To the extent possible, the parties will be notified simultaneously in writing of the final determination following an appeal.

k. Request for Faculty Board of Review

1. In cases involving a faculty member as a party, a faculty member sanctioned under this policy may submit a request for review by the Faculty Board of Review (FBR) following the determination of the AO. The request for review should be made according to the specific campus FBR policy, and campus FBR procedures will apply except as modified by the provisions below.
2. The bases for appeal are the same as those for appeal to the AO. The request for a FBR must set forth the basis(es) for seeking review and be submitted in writing within 15 calendar days of receiving the AO's determination. For good cause shown, and bearing in mind the need for timely resolution, the timeframes set forth within these procedures may be extended. If a request for a FBR is submitted, the FBR shall notify the other party(ies), as well as the DO and the AO.
3. The FBR will only receive the Final Investigation Report; the Investigation File; the written findings of the DO, along with comments submitted to the DO by any party named in the report; the written findings of the AO; and any sanctions. The FBR may not conduct new fact-finding. The FBR may seek training and additional information from the University Coordinator.
4. Throughout the FBR process, hearing members and participants shall ensure that the privacy of the matter and the parties is upheld. If a hearing is held, it shall be closed to the public to protect the privacy of all parties. In addition to faculty members serving on the FBR hearing panel, others present during a hearing may include the party requesting review and that individual's advisor, the other party(ies) named in the report and their advisor(s), the DO, the University Coordinator, Deputy Coordinator, and other university officials necessary to the proceedings. No witnesses will be allowed in the FBR. The grievant, the Complainant, and one designated university official have the right to present a statement to the FBR in writing or orally, either personally or through an advisor. If any participant elects to make a statement, the FBR may pose questions related to their statement, but the other participants may not.
5. The FBR must be concluded promptly, and generally within 60 days of the request, absent special circumstances. After review, the FBR may recommend one of the following to the AO:
 - a. Affirm the AO's determination.
 - b. Recommend an alternative finding and/or sanction.
 - c. Recommend that the determination be set aside and a new investigation be conducted. (This option

will generally be reserved for cases where significant procedural error has been identified and determined to have affected the outcome).

6. To the extent possible, the parties will be notified simultaneously in writing of the FBR's recommendation to the AO.
7. Upon receipt of the FBR's recommendation, along with any materials considered by the FBR, the AO will make a final determination within 10 calendar days, indicating one of the following:
 - a. Affirming the prior determination on appeal.
 - b. Setting aside the prior determination on appeal and imposing a new finding and/or sanctions.
 - c. Setting aside the prior determination on appeal and ordering a new investigation (this option will generally be reserved for cases where significant procedural error has been identified to have affected the outcome).
8. If the FBR recommends that the AO's prior determination be modified, but the AO affirms the prior determination, the final determination shall be made by the President. To the extent possible, the parties will be notified simultaneously in writing of the President's final determination. This concludes the appeal process.

L. Expectations for a Respectful Process

Every individual involved in a proceeding under this policy is entitled to be treated with respect. All parties and their advisors are required to follow the rules and procedures put in place to ensure a fair and respectful process. No one may intentionally harass or intimidate any party or witness, and university officials are authorized to halt such behavior.

Definitions

Advisor: Any individual who may assist, support, guide, and advise the Complainant or Respondent during the investigation, conduct proceedings, and/or related meetings. An Advisor serving in this role, who may otherwise be a Responsible Employee, not need report sexual misconduct when they learn about prohibited conduct i) that is directly related to the case in which they are serving as an advisor; ii) from the party who they are serving as an advisor to; and iii) in the course of their advising.

Campus Security Authority (CSA): A term used in the Clery Act to describe someone who has significant responsibility for student and campus activities. The Clery Act (34 CFR 668.46) defines a CSA as:

- I. A campus police department or a campus security department of an institution.
- II. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrance into institutional property.
- III. Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- IV. An official of an institution who has significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Pastoral and professional counselors are not considered a Campus Security Authority when acting in their roles as a pastoral or professional counselor.

Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 U.S.C. section 1092(f)), a federal law that requires institutions such as Indiana University to collect and publish statistics for certain crimes reported to have occurred on the university's "Clery Geography" (i.e., occurring on campus, on public property within or immediately adjacent to campus, and on other non-campus university property), for the purpose of informing current and prospective students, faculty or staff. Each Indiana University campus publishes

an Annual Security Report under the Clery Act, which contains these crime statistics, as well as campus-specific information on resources, campus emergency responses, safety and security policies, and disciplinary procedures. These crime statistics include, but are not limited to domestic violence, dating violence, sexual assault, and stalking. Clery also requires “timely warnings” be issued to the campus community for crimes occurring on Clery Geography that are considered a serious or continuing threat to students, faculty or staff. Under Clery, any good faith report of a crime occurring on Clery Geography must be included in the statistical data.

Complainant: An individual who may have experienced discrimination, harassment and/or sexual misconduct. A Complainant may choose whether or not to file a formal complaint. The university may serve as the Complainant when an individual(s) who has experienced the alleged discrimination, harassment and/or sexual misconduct does not wish to fully participate and the university has determined it is necessary to move forward under the applicable procedures.

Complaint (formal): A document submitted and signed by a Complainant or signed by the appropriate Title IX Coordinator alleging conduct that may in violation of this policy against a Respondent and requesting that the university investigate the allegation.

Confidential Employees: [\[see above\]](#)

Consent: An agreement expressed through affirmative, voluntary words or actions, and mutually understandable to all parties involved, to engage in a specific sexual act at a specific time

- I. Consent can be withdrawn at any time, as long as it is clearly communicated.
- II. Consent cannot be coerced or compelled by force, threat, deception or intimidation.
- III. Consent cannot be given by someone who is incapacitated, as defined below.
- IV. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

Incapacitation: An individual is incapable of consent if they are unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, being asleep or unconscious, or based on their age (pursuant to Indiana law). With respect to alcohol and drugs, intoxication and/or impairment is not presumptively equivalent to incapacitation. Consent does not exist when the individual initiating sexual activity knew or should have known of the other individual’s incapacitation.

Dating Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on the Complainant’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the individuals involved in the relationship. For the purposes of this definition—

- I. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- II. Dating violence does not include acts covered under the definition of domestic violence.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Violence or the threat of violence committed by any individual who is or has been in a relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interactions between the individuals involved in the relationship.

Days: References to days shall mean calendar days unless business days is expressly specified.

Discrimination: [see above]

Domestic Violence:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Violence committed which would constitute felony or misdemeanor crime of violence under criminal law:

- I. By a current or former spouse or intimate partner of the Complainant;
- II. By a person with whom the Complainant shares a child in common;
- III. By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- IV. By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Indiana;
- V. By any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Indiana.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Violence or the threat of violence by an individual against another individual who:

- I. is or was a current or former spouse or intimate partner of the Complainant;
- II. is or was living with Complainant as if their spouse or intimate partner;
- III. has a child in common with;
- IV. is a minor subject to the control of; or
- V. is an incapacitated individual under the guardianship or otherwise subject to the control of the other individual regardless of whether the act or threat has been reported to a law enforcement agency or results in a criminal prosecution.

Employee: This term shall be synonymous with and include all employees working for Indiana University – academic employees, including faculty and other instructors, and staff, including full-time, part-time, and part time (hourly) employees at any university campus or working on behalf of the university.

Equity Officials: The individual designated by the university to respond to allegations of discrimination or harassment based on a protected class(es) against members of the university community. In some circumstances, this can include their designee. Members of the university community may contact the University or campus Equity Official regarding the applicable policy and processes.

Finding of Responsibility or Finding of a Violation: Means that it is more likely than not that the Respondent has engaged in the alleged conduct in violation of this policy. A preponderance of the evidence standard must be used when determining responsibility for violations under this policy.

Formal Complaint: Means a document signed and submitted by the Complainant, and alleging discrimination, harassment, sexual misconduct and/or retaliation by a Respondent and requesting that the university investigate the allegation(s). The complaint may be submitted in person, by mail, or by electronic mail, to the appropriate Coordinator or Equity Official identified in this policy. (In some circumstances, the Coordinator or Equity Official may file a formal complaint to initiate a formal investigation.)

Force: The use of physical force which overcomes the individual's resistance; or the threat of physical force, express or implied, against the individual or a third-party that places the individual in fear of death or in fear of serious personal injury to the individual or a third-party where the individual reasonably believes that the actor has the present or future ability to execute the threat.

Harassment: [see above]

Hearing Advisor: A person chosen by a party, or appointed by the institution if the party does not identify one, to

accompany the party to their Title IX hearing for the purpose of conducting questioning of the other party(ies) and witness(es).

Indiana University Program or Activity: A program or activity sponsored, conducted, or authorized by Indiana University, including but not limited to, classes, internships, practica, field trips, study abroad programs, student teaching, or research, or a program or activity sponsored, conducted, or authorized by the university. For Title IX purposes, “program or activity” includes those that occur in a building owned or controlled by a student organization that is officially recognized by the university.

Indiana University Property: Buildings, grounds, and land that are owned by Indiana University or controlled by Indiana University via leases or other formal contractual arrangements to house ongoing university operations.

Interim Suspension: Temporary removal of a Respondent pending completion of an investigation. The determination to interim suspend shall be done in accordance with the campus interim suspension procedures and, for Title IX complaints, shall include an individualized assessment and determination that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

Laws and Regulations: Relevant laws and regulations that may apply to allegations raised under this policy include, but are not limited to: Age Discrimination Act of 1975; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; Equal Pay Act of 1963; Lilly Ledbetter Fair Pay Act of 2009; Genetic Information Discrimination Act of 2008; Pregnancy Discrimination Act of 1978; the Department of Labor’s Executive Order 11246; Section 402 of the Veterans Readjustment Act of 1974; Section 503 of the Rehabilitation Act of 1973; Title VI and VII of the Civil Rights Act of 1964; Title IX of the Education Amendments of 1972; the requirements of federal research agencies; and relevant state laws and regulations.

Member of the Indiana University Community: Any individual who is a student, staff, faculty member, university official, or any other individual employed by, or acting on behalf of, the university; other individuals while on Indiana University property, including employees of third-party vendors and contractors, volunteers, and visitors. An individual’s status in a particular situation shall be determined by the Sexual Misconduct & Title IX Coordinator or the Equity Official, in consultation with applicable campus offices.

Respondent: Any member of the university community alleged to have engaged in conduct that could constitute discrimination, harassment, and/or sexual misconduct; or retaliation for engaging in protected activity under this policy.

Sanctioning Official: An individual with extensive knowledge of the applicability and implementation of the proceedings conducted pursuant to this policy who is authorized by the university to confer with a hearing panel about the range of available sanctions in a particular case, to make sanctioning determinations, and to ensure that the sanctions imposed are proportional to the severity of the violation and consistent with university standards. A Sanctioning Official is designated on each campus by the campus’s Senior Student Affairs Administrator in consultation with the University Title IX Coordinator. Subject to the approval of the campus’s Senior Student Affairs Administrator and University Title IX Coordinator, a Sanctioning Official is authorized to appoint a designee who will perform the Sanctioning Official’s duties in the event of the absence or unavailability of the Sanctioning Official.

Sexual Assault:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

- I. Sex Offenses, Forcible—Any sexual act directed against another person, without the **consent** of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
 - A. Forcible Rape -- 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 Complainant.
 - B. Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - C. Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - D. Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- II. Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:
 - A. Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law.
 - B. Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Sexual Assault Includes:

- I. Non-consensual sexual penetration is committed when an individual subjects another individual to sexual penetration without the **consent** of the individual, and/or by force.
- II. Non-consensual sexual contact is intentional sexual touching by an individual of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the **consent** of the individual, and/or by force.

Sexual Exploitation: Conduct that extends the bounds of consensual sexual activity with or without the knowledge of the other individual for any purpose, including sexual gratification, financial gain, personal benefit, or any other non-legitimate purpose. Examples of sexual exploitation include but are not limited to:

- I. Non-consensual streaming, audio- or video-recording, photographing, or transmitting intimate or sexual utterances, sounds, or images without consent of all parties involved;
- II. Allowing others to view sexual acts (whether in person or via a video camera or other recording device) without the consent of all parties involved;
- III. Engaging in any form of voyeurism (e.g., “peeping”);
- IV. Prostituting another individual;
- V. Compelling another individual to touch their own or another individual's (third-party) intimate parts without consent;
- VI. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's

knowledge;

VII. Deception regarding contraceptives; and

VIII. Inducing incapacitation for the purpose of making another individual vulnerable to non-consensual sexual activity.

Sex/Gender-Based Harassment: Sex/gender-based discrimination is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation, or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits an individual's ability to participate in or benefit from the university's education or work programs or activities. For example, persistent disparagement of an individual based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity is prohibited under this policy.

Sexual Harassment:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

- I. An employee of the university conditioning the provision of an aid, benefit, or service of the university on an individual's participation in unwelcome* sexual conduct; and/or
- II. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity.

Sexual Harassment also includes sexual assault, dating violence, domestic violence and stalking defined herein.

Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances as the Complainant, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

Conduct on the basis of sex or that is sexual in nature that satisfies one or more of the following:

- I. A member of the university conditioning the provision of an aid, benefit, or service of the university, on an individual's participation in unwelcome* sexual conduct.
- II. Unwelcome conduct determined by a reasonable person, to be so severe, pervasive or persistent, and objectively offensive, that it effectively denies a person equal access to the university's education program or activity.

Sexual Harassment also includes sexual assault, dating violence, domestic violence and stalking defined herein.

Severity, pervasiveness, persistence, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances as the Complainant, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Sexual Misconduct: Broad term to encompass the range of sex-based behaviors covered by this policy.

University Sexual Misconduct & Title IX Coordinator: The individual designated by the university to coordinate the university's compliance with Title IX and respond to allegations of sexual misconduct by members of the university community. In some circumstances, this can include the Sexual Misconduct & Title IX Coordinator's designee. Members of the university community may contact the University or campus Deputy Sexual Misconduct & Title IX Coordinator regarding the sexual misconduct policy and process.

Sexual Penetration: Sexual intercourse in its ordinary meaning, cunnilingus, fellatio, anal intercourse, or any

intrusion, however slight, of any part of the actor's or individual's body or any object manipulated by the actor into the genital or anal openings of the individual's body.

Stalking:

FOR TITLE IX COMPLAINT RESOLUTION PROCEDURES:

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- I. fear for the person's safety or the safety of others; or
- II. suffer substantial emotional distress.

FOR UNIVERSITY COMPLAINT RESOLUTION PROCEDURES:

A knowing or an intentional course of conduct involving repeated or continuing harassment of another individual 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.

For the purposes of the definitions above—

Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

- I. Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

Student: Defined by the [Code of Student Rights, Responsibilities, and Conduct](#).

Student Affairs Officer: An individual authorized by the university and the campus chancellor or provost to be responsible for the administration of the Student Code of Rights and Responsibilities on a campus, or, in certain circumstances that individual's designee.

Sanctions

1. Sanctions for violations of this policy include the following:

- a. Level One Sanctions include sanctions that do not directly modify job duties or actual salary, such as informal discussions, additional training, periodic review, letter to personnel file (other than to promotion and tenure dossier which is included in Level Two Sanctions below). Level One Sanctions shall not be appropriate in the event the Respondent was found responsible for sexual assault or other sexual violence.
- b. Level Two Sanctions include sanctions that directly modify job duties, salary or job status, including affecting compensation, consideration in tenure or promotion decisions, suspension, and termination.
- c. When Level Two Sanctions do not result in termination, consideration should be given to the role(s) in which a faculty or staff member serves related to students, including advising, mentoring, committee work, and other roles both within and in addition to the primary employment position.

2. When determining the appropriate sanctions, consideration shall be given to the nature and severity of the behavior and the existence of any prior incidents or violations.

Additional Contacts

Title IX Coordinator

Jennifer Kincaid
Associate Vice President, Civil Rights Compliance
420 N. Walnut Street
Bloomington, IN 47408
812-855-4889
ocrc@iu.edu

Deputy Title IX Coordinators

IUB	Laura Mals, Senior Director, Office of Civil Rights Compliance	812-855-7559	lmals@iu.edu
IUB	Anna Krause, Director, IU Indianapolis Office of Civil Rights Compliance	812-855-5419	osc@iu.edu
IUI	Karloa Stevens, Director, IU Indianapolis Office of Civil Rights Compliance	317-274-2306	karloaas@iu.edu
IUI	Heather Brake, Associate Dean of Student Conduct and Advocacy	317-274-4431	hebrake@iu.edu
IUC	Karloa Stevens, Director, IU Indianapolis Office of Civil Rights Compliance	317-274-2306	karloaas@iu.edu
IUFW	Karloa Stevens, Director, IU Indianapolis Office of Civil Rights Compliance	317-274-2306	karloaas@iu.edu
IUE	Josie Brush, Deputy Title IX Coordinator for Regional Campuses	812-855-2751	jvbrush@iu.edu
IUK	Sarah Sarber, Chief of Staff/Deputy Title IX Coordinator	765-455-9204	shawkins@iu.edu
IUN	Lita Pener, Director of Institutional Equity and Title IX	219-980-6705	Impener@iu.edu

IUS	Josie Brush, Deputy Title IX Coordinator for Regional Campuses	812-855-2751	jvbrush@iu.edu
IUSB	Josie Brush, Deputy Title IX Coordinator for Regional Campuses	812-855-2751	jvbrush@iu.edu

IU Police Departments**Associate Vice President, Superintendent of Public Safety Benjamin****Hunter**iupsadmn@iu.edu**812-855-2004**

IUB	812-855-7233	
IUI	317-274-7233	
IUC	812-348-8703	
IUE	765-973-8429	
IUK	765-455-9363	
IUN	219-980-6501	
IUS	812-941-2400	
IUSB	574-520-4239	
IUFW	260-481-6827	police@pfw.edu

Campus Student Affairs

IUB	Kathy Adams Riester, Associate Vice Provost for Student Life and Dean of Students	812-855-8188	iubdos@iu.edu
IUI	Eric Weldy, Vice Chancellor Division of Student Affairs	317-274-3290	eweldy@iupui.edu
IUE	Dean of Students	765-973-8525	iuedos@iu.edu
IUK	Amy Jarecki, Dean of Students	765-455-9204	ajarecki@iu.edu
IUN	Dorothy Fink, Interim Vice Chancellor for Enrollment Management Student Affairs	219-980-6994	defrink@iu.edu
IUS	Amanda Stonecipher, Vice Chancellor for Enrollment	812-941-2115	agstone@iu.edu

	Management and Student Affairs		
IUSB	Kory Vitangeli, Vice Chancellor for Student Affairs and Engagement	574-520-4252	kvitange@iu.edu

Campus Academic Affairs

IUB	Carrie Docherty, Vice Provost for Faculty and Academic Affairs	812-855-2809	vfaa@iu.edu
IUI	Willie Miller, Assistant Executive Vice Chancellor for Academic Affairs	317-274-4500	oaa@iu.edu
IUE	Brian Thomas, Executive Vice Chancellor for Academic Affairs	765-973-8320	bt50@iu.edu
IUK	Scott Jones, Executive Vice Chancellor for Academic Affairs	765-453-2227	sljones2@iu.edu
IUN	Cynthia Roberts, Interim Executive Vice Chancellor for Academic Affairs	219-980-6761	robertcs@iu.edu
IUS	Michelle Williams, Executive Vice Chancellor for Academic Affairs	812-941-2208	mw192@iu.edu
IUSB	Jill Pearson Executive Vice Chancellor for Academic Affairs	574-520-4183	jpearon@iusb.edu
IUFW	Ann Obergfell Associate Vice Chancellor of Academic Affairs and Operations	260-481-0512	amobergf@iufw.edu
IU School of Medicine	Mary Danowski, Executive Associate Dean for Faculty Affairs and Professional Development	317-278-7045	mdankoski@iu.edu

IU Human Resources

hr.iu.edu 812-856-1234 askhr@iu.edu

External Contact Information

Office for Civil Rights

U.S. Department of Education
Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg
400 Maryland Avenue, SW

Washington, DC 20202-1100

Telephone: 800-421-3481

FAX: 202-453-6012; TDD: 877-521-2172

Email: OCR@ed.gov

Website: <http://www2.ed.gov/about/offices/list/ocr/index.html>

History

This policy was established in 2015. It incorporates and supercedes the Indiana University [Policy Against Sexual Harassment](#), which was effective in 1998.

Approved by the University Faculty Council, February 24, 2015 by the [attached resolution](#).

Approved by University President, March 1, 2015.

Revisions to policy approved by UFC and University President, August 25, 2016.

Revision to policy approved by UFC November 29, 2016; approved to be made effective on January 1, 2017, by University President.

Revisions to policy approved by UFC November 28, 2017; approved to be made effective on January 1, 2018 by University President.

Revisions to policy approved by UFC April 23, 2019; approved to be made effective on July 1, 2019 by University President.

Revision to policy approved by UFC on August 10, 2020, and University President on August 14, 2020 to become effective on August 14, 2020. The policy was revised in part to comply with new federal Title IX regulations and in part to articulate procedures related to reports of alleged discrimination, harassment, and/or sexual misconduct that are not covered by the new federal regulations. The procedures in this revised policy apply to reports received by the university on or after the effective date.

Revisions made and approved by the University President effective November 1, 2021.

Revision to add a reference to [UA-22, Employee Relationships Involving Students](#), was approved by the UFC on April 23, 2024; approved by the University President on May 2, 2024.

Previous Versions by Effective Dates:

[03/01/2015 - 08/25/2016](#)

[08/25/2016 - 01/01/2017](#)

[01/01/2017 - 01/01/2018](#)

[01/01/2018 - 07/01/2019](#)

[07/01/2019 - 08/14/2020](#)

[08/14/2020 - 11/01/2021](#)

[11/01/2021 - 04/23/2024](#)

Related Information

IU's Stop Sexual Violence Website www.stopsexualviolence.iu.edu

Americans with Disabilities Act (ADA)

Non-Discrimination/Equal Opportunity/Affirmative Action

[Clery Act Compliance](#)

[**Code of Student Rights and Responsibilities**](#)

[**Academic Appointee Responsibilities and Conduct**](#)

[**Programs Involving Children**](#)

[**Annual Security & Fire Safety Reports \(including Clery Crime Statistics\)**](#)

Code of Student Rights, Responsibilities, & Conduct

STU-00

About This Policy

Effective Dates:

07-01-2023

Last Updated:

06-26-2025

Responsible University Administrator:

Vice President for Student SuccessAcademic Leadership Council Executive Committee

Scope

All [students](#)

at Indiana

University.

Policy

Statement

nt

PREAMBLE

A. Purpose of the Code

1. The purposes of Indiana University include the advancement of knowledge, the pursuit of truth, the development and education of students, and the promotion of the general well-being of society. As a community, we share a dedication to maintaining an environment that supports trust, respect, honesty, civility, free inquiry, creativity, and an open exchange of ideas.
2. Individual rights are best protected by a collective commitment to mutual respect. Students who accept admission to Indiana University agree to:

- a. Be ethical in their participation in the academic community,
 - b. Take responsibility for what they say and do,
 - c. Behave in a manner that is respectful of the dignity of others, treating others with civility and understanding, and
 - d. Use university resources and facilities in appropriate ways consistent with their purposes and in accordance with applicable policies.
3. Every Indiana University student is responsible for reading and understanding the Code of Student Rights, Responsibilities, and Conduct, as well as other expectations identified by individual schools or organizations relevant to an academic major, professional field, or on-campus residence. This Code is intended to identify the basic rights, responsibilities, and expectations of all students and student groups, and to serve as a guide for the overall student experience at Indiana University.
4. Students are part of a large and diverse university community that includes faculty, staff, administrators, visitors and guests. This Code lets all members of the university community know what they can expect from any students with whom they interact, be it in the classroom, an office, or an on-campus residential facility. In return, students can expect university faculty, staff, and administrative personnel to see that their rights under the Code are protected.
5. Indiana University students are also members of their campus's local community. Thus, even those not affiliated with IU are likely to interact with students bound by the Code, the jurisdiction of which extends beyond the campus itself. The high standards set in this Code help to make these interactions pleasant and respectful.
6. The Code also tells parents, guardians, and other supportive adults what the university expects of its students. It can assist them in helping make students' time at Indiana University safe and rewarding.
7. The Code has been developed collaboratively by the University Faculty Council, university student affairs officials, and student government.

B. How the Code Works

1. **Part I** of the Code of Student Rights, Responsibilities, and Conduct includes the rights and freedoms to which all students—undergraduate and graduate—are entitled at Indiana University. The responsibilities of all students are described in **Part II**. When students are believed to have violated any provisions in **Part II**, all campuses follow the basic procedural guidelines found in **Part III** of the Code. Individual campuses also have procedures that apply specifically to their students. The enforcement of the Code is the responsibility of the campus offices of student affairs.
2. The conduct process is an educational process and is not the same as a legal procedure in a court of law. Students, faculty, and staff serve as conduct officers and the outcomes are designed to both hold students accountable and to educate them, so that the behaviors are unlikely to be repeated. Violations of the Code that may be addressed in the campus conduct process may or may not also be violations of law and students who commit acts of misconduct are at risk of being held accountable in both the campus conduct process and the court system.

3. This Code applies to all activities on campus, on university-related property such as fraternities and sororities, and in connection with off-campus activities when they are associated with or affect university activities, or involve student behaviors that adversely affect the university community or the academic process.

PART I: STUDENT RIGHTS

A. Rights in Pursuit of Education

The freedom to learn should be promoted and encouraged by instructors and other members of the university community. In the classroom or other learning environments, whether in person or online, students shall have the rights to:

1. Have access to faculty, academic technology, classrooms, libraries, presentations, facilities, and other resources as necessary for the learning process.
2. Have access to academic advising and clear expectations for program and graduation requirements.
3. Have access to their education records in a manner consistent with state and federal laws and applicable Indiana University policies, including [VPSS-05, Student Rights Under FERPA and Release of Student Information](#).
4. Have decisions related to the student's advancement toward their education communicated in a clear manner.
5. Learn in an environment that supports self-expression and association.
6. Participate in an exchange of ideas free of conduct that impedes either an instructor's ability to teach or the students' ability to learn, including having the freedom to raise relevant issues pertaining to classroom discussion (including personal beliefs), ask questions about data presented, and express alternative opinions, without concern for any retaliation or academic penalty. Students have the right to expect that their work will be evaluated by academic standards alone.
7. Receive a class syllabus in a timely manner.
8. Be informed of course goals, testing and grading procedures, and course content, in sufficient time to facilitate efficient course selection.
9. Expect professional interactions with faculty who:
 - a. Provide clearly stated class goals;
 - b. Provide clear expectations for class performance and evaluation;
 - c. Meet classes as scheduled; are accessible for office hour appointments or consultation; and
 - d. Maintain a clear connection between course content and the course description, syllabus and goals.
10. Expect that an instructor will be sensitive to the student's religious identities, practices, and observances, including an expectation that instructors will make reasonable accommodations upon notice that the student must miss a class, exam or other academic exercise resulting from the observance of a religious holiday. It is the responsibility of the students involved to notify their course directors in a timely manner

concerning their need for such accommodation, consistent with [ACA-59, Accommodation for Religious Observances](#).

11. Expect that academic appointees, staff and university administrators will adhere to the university's applicable policies regarding consensual relations with students (See [ACA-03, Academic Appointee Responsibilities and Conduct](#), and [ACA-16, Student Academic Appointments](#)).

B. Right to Freedom from Discrimination and Harassment

1. Students have the right to study, work, and interact in an environment that is free from discrimination and harassment in violation of law or university policy. University policy forbids discrimination on the basis of any protected class, including age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, or veteran status. (See, [UA-01, Non-Discrimination](#) and [UA-03, Discrimination, Harassment, and Sexual Misconduct](#)).
2. Students who believe they have experienced discrimination or harassment have the right to obtain information concerning the university's applicable policies and procedures from the Office of Institutional Equity, Title IX Coordinator, or office for student affairs on their campus; to file a complaint; and to have the complaint fairly investigated pursuant to [UA-03, Discrimination, Harassment, and Sexual Misconduct](#).
3. The sexual misconduct portion of [UA-03, Discrimination, Harassment, and Sexual Misconduct](#), provides procedures for handling complaints concerning all forms of sexual misconduct including sexual harassment and sex/gender-based discrimination.

C. Right to Accommodation for Individuals with Disabilities

Indiana University is committed to creating a learning environment and academic community that promotes educational opportunities for all individuals, including those with disabilities. A student has the right to expect that Indiana University will make reasonable accommodations for access to programs, services, and facilities as required by law and university policy, consistent with [UA-02, Americans with Disabilities Act](#).

D. Right to Freedom of Association, Expression, Advocacy, and Publication

1. Students are free to form, join, and participate in groups or organizations that promote student interests, including but not limited to, groups or organizations that are organized for intellectual, religious, social, economic, political, recreational, or cultural purposes, consistent with [STU-01, Student Organizations](#).
2. In accordance with the state and federal Constitutions and university policy, the university recognizes the rights of all students and student organizations to engage in discussion, to express thoughts and opinions, to engage in peaceful and orderly protests, and to assemble, speak, write, publish in print or online, or invite speakers on any subject without university interference or fear of university disciplinary action, consistent with

[UA-14, The First Amendment at Indiana University](#) [UA-19, Event Management](#) [UA-10, Expressive Activity Policy](#), and [GR-01, Contact with State Officials, Federal Officials, and Political Campaigns, and Other Political Activities](#)

3. If a student feels that this right has been violated, the student has the right to file a request with the campus chief student affairs officer for an investigation and appropriate action.
4. Students who publish student publications under university auspices have the right to be free of university censorship. This right does not immunize students from being removed from such positions with proper cause and proceedings.

E. Right to Contribute to University Governance

1. Students have the right to be represented by a student government.
2. Students have the right to contribute to the making of institutional policy generally affecting their social or academic affairs, which may include student representation on departmental, unit or campus committees.
3. Students, have the right to be represented in the process by which student activity fees are reviewed and allocated.

F. Rights of Students in the Conduct Process

1. Students who believe that any of their rights, as defined in this Code, have been violated by a member of the university community, or that they have been harmed by conduct prohibited under this Code, have the right to file a complaint as outlined in Part III, Procedures and under campus procedures.
2. The parties in a conduct process, defined as students who are alleged to personally have been harmed by conduct that violates this Code or to be responsible for such violation, can expect the following in the conduct process:
 - a. A fair and reasonable process.
 - b. To be informed of the procedures that will be used.
 - c. To be given notice of the time and date of any hearing, and the Code provisions that may have been violated.
 - d. An opportunity to be present and to share their perspectives.
 - e. That the university will make a reasonable attempt to speak with witnesses and gather relevant documentation.
 - f. An opportunity to review materials used in determining the resolution of the process.
 - g. To be notified of the outcome.
 - h. An expectation of privacy consistent with FERPA.
 - i. Reasonable accommodations for disabilities.

G. Rights of Students as University Employees

1. A student's rights as an employee of the university are governed by the applicable human resources policies of Indiana University. Students should contact university or campus human resources offices. All human resources policies, including the policies for student hourly employees, are available through the home page of [Indiana University Human Resources](#).

2. Student academic appointees may have other rights as set forth in [ACA-16, Student Academic Appointees](#), or [ACA-33, Academic Appointee Responsibilities and Conduct](#).

PART II: STUDENT RESPONSIBILITIES AND CONDUCT

A. In General. Just as students have rights, they also have responsibilities. Indiana University expects students to:

1. Uphold and follow this Code, relevant standards of respective departments, units, programs and professional societies, and all rules applicable to conduct in class environments or university-sponsored activities on and off campus.
2. Obey all university policies and procedures and all local, state, and federal laws.
3. Facilitate the learning process, including attending class regularly, completing class assignments, and coming to class prepared.
4. Plan a program of study appropriate to the student's educational goals. This may include selecting a major field of study, choosing an appropriate degree program within the discipline, planning class schedules, and meeting the requirements for the degree.
5. Use university property and facilities appropriately in support of their education while being mindful of the rights of others to use university property and facilities.
6. Maintain and regularly monitor their university accounts including, but not limited to, e-mail and bursar accounts.
7. Be responsible tenants when living in university housing.
8. Respect the rights and dignity of other members of the university community.

B. Academic Misconduct. Students are expected to uphold and maintain academic and professional honesty and integrity.

1. Academic misconduct is defined as any activity that tends to undermine the academic integrity of the institution. Academic misconduct is prohibited.
2. Policies of academic misconduct apply to all curricular and academic-related activities, regardless of format or location. This includes, but is not limited to:
 - a. In-person and online classes and academic activities.
 - b. Internships, clinical experiences, field work, conferences, performances, and laboratory or other research.
 - c. Any exams or assessments, including in-class and take-home exams, entrance and qualifying exams, auditions, theses, and dissertations.
 - d. Actions that occur in the scope of others' academic work.
3. If an instructor determines that academic misconduct has occurred, the instructor will take appropriate action with respect to grades, and report academic dishonesty to the student affairs officer of the campus.
4. Academic misconduct includes, but is not limited to, the following:
 - a. Cheating: Cheating is using, providing, or attempting to use or provide

unauthorized assistance, materials, information, or study aids in any form. Cheating is prohibited. Cheating includes, but is not limited to:

1. Using or providing unauthorized external assistance or materials on any exam, assignment, or academic-related activities. This prohibition includes the use of tutors, editing services, commercial term-paper providers, books, notes, calculators, online and electronic resources, artificial intelligence, and wireless communication devices, subject to the following:
 - a. On exams, term papers, and graded assignments, external assistance is presumed to be unauthorized unless the instructor or syllabus gives permission.
 - b. On ungraded academic-related activities, students may use external assistance unless the instructor or syllabus prohibits their use.
 - c. Campus or unit centers that assist students with computing, writing, research, mathematics, or other academic skills are not considered external, and may be used unless the instructor or syllabus prohibits their use.
2. Acting or having another person act as a substitute, or completing academic work on another student's behalf.
3. Collaborating with other persons on a project and submitting a copy of joint academic work as one's individual work, either explicitly or implicitly.
4. Stealing or the unauthorized use or distribution of examinations or other course materials.
5. Submitting substantial portions of the same academic work for credit or honors more than once without permission of the instructor or program to whom the work is being submitted.
6. Altering a grade or score in any way without authorization, or altering answers on a returned exam or assignment for credit without authorization.

b. Fabrication: A student must not falsify, invent, or misrepresent any information or data, or manipulate materials, equipment, or processes, without authorization, in any academic exercise, including, but not limited to: records or reports, laboratory equipment and results, and citation to the sources of information.

c. Plagiarism: Plagiarism is defined as presenting someone else's work, including the work of other students, as the submitting student's own. A student must not present ideas or materials taken from another source for either written or oral use without fully acknowledging the source, unless the information is common knowledge. What is considered "common knowledge" may differ from course to course.

1. A student must give credit to the original source whenever:
 - a. Directly quoting another person's actual words, whether oral or written;
 - b. Using another person's ideas, opinions, formulas, or theories;
 - c. Paraphrasing the words, ideas, opinions, or theories of others;

- d. Borrowing facts, statistics, or illustrative material; or
- e. Submitting materials assembled or collected by others in the form of projects or collections

2. A student may not submit or present as their own work materials taken in whole or part from a commercial term paper company, files or papers prepared by other persons or programs, or documents found on the internet.

- d. Interference: A student must not steal, change, destroy, or impede another student's work, learning environment, or academic performance, nor attempt, through a bribe, promise of favors or threat, to affect any student's grade or the evaluation of academic performance. Impeding another student's work includes, but is not limited to, the theft, defacement, tampering with, or mutilation of resources so as to deprive others of the information they contain.
- e. Violation of Course Rules: A student must not violate course rules established by an academic unit, a department, the course syllabus, or verbal or written instructions.
- f. Facilitating Academic Misconduct: A student must not intentionally or knowingly help or attempt to help another student to commit an act of academic misconduct, nor allow another student to use their work or resources to commit an act of misconduct.
- g. Research Misconduct: A student working on a research project covered by [ACA-30, Research Misconduct](#), must not engage in conduct that would violate ACA-30.

C. Personal Misconduct. Students are responsible for their behavior, and are expected to respect the rights and dignity of others both within and outside of the university community.

The university may discipline a student or student organization for acts of personal misconduct that occur on or off university property. For purposes of this Code, university property includes the grounds, academic and administration buildings, residence halls, athletic and recreational facilities, and university- serviced property, such as sororities and fraternities. The university also may discipline a student or student organization for acts of personal misconduct that occur off campus when they are associated with or affect university activities or undermine the security of the university community, the integrity of the educational process, or pose a threat to self or others. Personal misconduct includes:

1. Acts of fraud, misrepresentation, or dishonesty, including the following:
 - a. Forgery, alteration or misuse of documents, records, identification, or other materials;
 - b. Knowingly furnishing false, forged, or inappropriately altered information to the university, any university official, or emergency response personnel;
 - c. Intentionally misrepresenting yourself, including but not limited to: representing yourself as the university, any university official, your status at the university, or using the university's brand without permission;
 - d. Possession, use, manufacture, or distribution of identification cards or devices that are false or fraudulent or that misrepresent an individual's identity, age, or other

personal characteristics, including using another individual's identification;

- e. Assuming another person's identity or role through deception or without proper authorization, including communicating or acting under the guise, name, identification, e-mail address, signature, or other indications of another person or group without proper authorization or authority.
2. Knowingly initiating, transmitting, filing, or circulating a false report, warning, or threat concerning an act of violence, a catastrophe, a fire, or other emergency; or transmitting such a report to an official or an official agency such as IU Police or local law enforcement.
3. Unauthorized access to, release, or use of any information technology or other university equipment or facilities.
4. Conduct that is obscene.
5. Disorderly conduct, whether in person or virtual, that disrupts teaching, research, administration, or other university activity and/or disrupts the university community and its members.
6. Actions that endanger, or aid in the endangerment of, one's self or others, or the educational process.
7. Failure to comply with the directions of authorized university officials in the performance of their duties, including, but not limited to: failure to identify oneself when requested to do so; failure to comply with the terms of a conduct outcome or process; or refusal to vacate a university facility when directed to do so.
8. Unauthorized entry, trespass, use, or occupancy of facilities or property.
9. Intentionally obstructing or blocking access to university facilities, property, or programs.
10. Theft or the unauthorized taking, possession, or use of property or services.
11. Damage to, destruction of, or tampering with property belonging to others.
12. Arson, the unauthorized setting of fires, or the unauthorized use of or interference with fire equipment and emergency personnel.
13. Unauthorized possession, use, manufacture, distribution, or sale of fireworks, incendiary devices, or other explosives.
14. Possession, use, sale or distribution of any weapon or any item used as a weapon on university property or at university-affiliated events, as defined in university policy [PS-03, Possession of Firearms and Weapons](#).
15. Harassment, including the following:
 - a. Sexual harassment as defined in [UA-03, Discrimination, Harassment, and Sexual Misconduct](#);
 - b. Discriminatory harassment on any basis protected by [UA-01, Non-Discrimination](#), and [UA-02, Americans with Disabilities Act](#);
 - c. Harassment, not otherwise specified, defined as unwelcome or unwanted conduct that is persistent, severe, or pervasive, and impacts a student's ability to

access their education, or an individual's personal safety, academic efforts, employment, or participation in university-sponsored programs or activities. This behavior includes, but is not limited to: direct or indirect written, verbal, physical, or electronic action or inaction.

16. Engaging in or encouraging retaliation against, or any behavior or activity that threatens or intimidates, any potential participant in a conduct process or a process under [UA-03, Discrimination, Harassment, and Sexual Misconduct](#).
17. Bullying, defined as overt, unwanted and repeated acts or gestures, including verbal or written communications or images transmitted in any manner, physical acts, aggression, or any other behaviors, that are committed by a student or group of students toward an individual, that are likely to or that do harass, ridicule, humiliate, intimidate, or harm the targeted individual, and which:
 - a. Places the targeted individual in reasonable fear of harm to the targeted individual's person or property;
 - b. Has a substantially detrimental effect on the targeted individual's physical or mental health, employment, or academic performance; or
 - c. Substantially interferes with a member of the university community's ability to participate in or receive benefits, services, or opportunities from a university-sponsored program or activity.
18. Stalking.
 - a. Based on sex or gender as defined in [UA-03, Discrimination, Harassment, and Sexual Misconduct](#).
 - b. Not based on sex or gender, which is defined as a knowing or intentional course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person in similar circumstances to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected behavior. Course of conduct means two or more acts, including, but not limited to, acts in which the respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
19. Hazing. Hazing is defined as any conduct that subjects another individual to a risk of physical or psychological harm greater than a reasonable risk of group participation, in the course of initiation into, an affiliation with, or the maintenance of membership in a team, group or organization as a condition of association with a team, group, or organization. Hazing can occur regardless of the individual's consent or lack of consent. This behavior includes, but is not limited to, direct or indirect written, verbal, physical or electronic actions or inactions.
20. Physical abuse of any individual, or acting with violence, including the following:
 - a. The use of physical force or violence to restrict the freedom of action or movement of another individual or group, or to endanger the health or safety of another individual;

- b. Physical behavior that involves an express or implied threat to, or has the purpose or reasonably foreseeable effect of interfering with, an individual's or group's personal safety, academic efforts, employment, or participation in a university-sponsored program or activity, or that causes the individual to have a reasonable apprehension that such harm is about to occur;
- c. Any action toward any person, animal or property that harms or causes reasonable fear of harm, to such person, animal or property;
- d. Sexual assault as defined in [UA-03, Discrimination, Harassment, and Sexual Misconduct](#);
- e. Physical abuse that constitutes dating or domestic violence as defined in [UA-03, Discrimination, Harassment, and Sexual Misconduct](#).

21. Verbal abuse of another individual, including:

- a. An express or implied threat to:
 1. Interfere with an individual or group's safety, academic efforts, employment, or participation in university-sponsored program or activity, and that under the circumstances causes the individual to have a reasonable apprehension that such harm is about to occur; or
 2. Injure that individual or damage their property.
- b. Verbal abuse that constitutes dating or domestic violence as defined in [UA-03, Discrimination, Harassment, and Sexual Misconduct](#).

22. Unauthorized possession, use, manufacture, or supplying of alcoholic beverages to others contrary to law or university policy, including but not limited to:

- a. Public intoxication;
- b. Possession or use of alcoholic beverages by an individual under the age of 21;
- c. Supplying alcoholic beverages to an individual under the age of 21;
- d. Operating a motor vehicle under the influence of alcohol;
- e. Student organization serving or allowing possessing of alcoholic beverages contrary to law or university policy at student organization functions or on organization-operated property or leased facilities, on or off campus. Individual students who plan, sponsor, or direct such functions also may be subject to discipline.

23. Unauthorized possession, manufacture, sale, distribution, or use of illegal drugs or any controlled substance, including but not limited to:

- a. Possession or use of any illegal drug or unauthorized controlled substance;
- b. Being under the influence of illegal drugs or unauthorized controlled substances;
- c. Operating a motor vehicle under the influence of illegal drugs or unauthorized controlled substances;
- d. Sale, distribution or supply of illegal drugs or unauthorized controlled substances;
- e. Manufacture of illegal drugs or unauthorized controlled substances;
- f. Unauthorized possession of drug paraphernalia on campus property.

24. A violation of any state, federal, or foreign law, based on the outcome of a criminal, civil, or administrative action, or foreign jurisdiction.
25. Using university logos, property or resources, or implying university endorsement, to operate a business or to sell or solicit sales of goods, whether online or in physical form, except in the course of an authorized activity, pursuant to [FIN-PURCH-12, Non-Solicitation on Campus](#) and [FIN-LT-01, Licensing and Trademark Policy](#).
26. Engaging in conduct in violation of [UA-03, Discrimination, Harassment and Sexual Misconduct](#) Policy not otherwise covered in this section.
27. Violation of other disseminated university regulations, policies, or rules, including but not limited to university information technology policies, residence hall policies, tobacco free campus policies, recreational sports facility policies, and temporary or emergency policies.

Reason For Policy

The purposes and educational mission of the university is best promoted and protected by a collective commitment to mutual respect for the rights of others in the university community; an environment that supports honesty, civility, free inquiry, creativity, and the open exchange of ideas; and the acceptance of the responsibilities that accompany membership in the Indiana University community. This Code implements these basic principles pursuant to the faculty's authority in § 2.2 of the Constitution of the University Faculty to establish the standards and procedures for student conduct and discipline. Because students and units may engage in programs or activities on more than one campus, a university-wide set of standards is appropriate.

Procedure

PART III

- A. The university-wide procedures set forth in [UA-03, Discrimination, Harassment and Sexual Misconduct](#), will cover the resolution of complaints concerning discrimination, harassment and/or sexual misconduct that involve students, academic appointees, staff, and all others on university property.
- B. The following university-wide procedures apply to conduct processes other than those brought under UA-03, on all campuses, and supersede any inconsistent campus-level policies and procedures.
 1. Student Grievances. Students are to have clear procedures to follow when they believe that any of their rights, as defined in earlier sections of this Code, have been violated by a member of the university community. The campus offices of student affairs, institutional equity, and faculty affairs, as appropriate, will assist students in addressing their complaints.
 2. Academic and Personal Misconduct. Clear procedures with specific information about

the persons who are involved, time lines, and disciplinary sanctions are to be created and maintained at the campus level. These procedures are to be designed to provide students with procedural fairness and to ensure equal protection for all students and appropriate sanctions.

3. **Notification.** A person who is alleged to have been personally harmed by conduct that violates this Code for which disciplinary proceedings are conducted under this Code is entitled to participate in proceedings relating to evidence, but not the deliberative process in which the hearing officer or panel weighs the evidence, and to be notified about the outcome of the conduct process, in a timely manner.
4. **Involvement of Advisors**
 - a. An individual charged, an alleged victim, or anyone providing testimony, is entitled, at their expense, to be accompanied by an advisor or support person of their choice. Except as provided in **UA-03, Discrimination, Harassment, and Sexual Misconduct**, an advisor or support person is limited to the role of advising and may not participate in the proceeding, may not question witnesses, and may not make any statements during the proceeding. An advisor may be excluded from proceedings for failure to adhere to these limitations. Campus-specific procedures may be adopted to allow a student to have an advisor or support person to speak on the student's behalf at the final appeal hearing.
 - b. A student with a disability affecting communication or a student who cannot effectively communicate in the English language may seek a reasonable accommodation from the campus office of student affairs to allow an advisor or interpreter to present or translate the proceedings.
- C. Procedures governing areas not covered by university-wide procedures may be addressed by each campus.

Definitions

- A. **Student.** For purposes of this Code, the term "student" includes the following:
 1. A person who is admitted or enrolled in any credit-bearing course or program in any school or division of Indiana University.
 2. A person who is admitted to Indiana University and present on a campus for the purpose of being enrolled in any credit-bearing course or program in any school or division of Indiana University.
 3. A person who has been admitted and enrolled in any credit-bearing course or program in any school or division of Indiana University and continues to be associated with Indiana University because of failure to complete the course or the program in which the person was enrolled.
 4. A person who is not admitted to the university, but who is taking classes to transfer to another university, for personal enrichment, or in preparation to apply to a graduate program. A person who is taking classes as part of the Advance College Project for the limited purpose of academic misconduct related to an enrolled course.

5. Individuals who withdraw after having allegedly committed misconduct, or who are not officially enrolled for a particular term, but who have an expected continued academic relationship with the University, may be considered "students."

B. Persons Authorized to Exercise Specified Responsibilities. Under this Code, the authority that is given to a specified Indiana University official, office or employee may be exercised by any person who occupies the specified position or has a comparable position on a campus that does not have the specified position. Under this Code, the authority that is given to a particular Indiana University official or employee may be exercised by that particular person or by that person's designee.

Sanctions

Violations of this code will be addressed in accordance with applicable university and campus procedures and policies.

Additional Contacts

Subject	Contact	Phone	Email
Indiana University Bloomington	Libby Spotts, Senior Associate Dean of Students	(812) 855-5419	osc@iu.edu
Indiana University Indianapolis	Heather Brake, Associate Dean of Students	(317) 274-4431	hebrake@iu.edu
Indiana University East	Yemi Mahoney, Interim Dean of Students	(765) 973-8474	ymahoney@iu.edu
Indiana University Southeast	Abbie Dupay, Dean of Student Life	(812) 941-2319	aedupay@iu.edu
Indiana University Kokomo	Amy Jarecki, Dean of Student Life	(765) 455-9204	ajarecki@iu.edu
Indiana University Northwest	Jennifer Rines, Interim Dean of Students	(219) 981-4296	jnrines@iu.edu
Indiana University South Bend	Dean of Students	(574) 520-5536	conduct@iusb.edu

History

ADOPTION PROVISIONS

- A. This Code becomes effective on July 1, 2023.
- B. Effect of Adoption

1. The adoption of this code shall not affect any student rights or responsibilities, any sanctions that were imposed, or any proceedings that were begun or continue to be enforced or upheld, as applicable, as if the new Code had not been adopted. Any proceedings that were begun before such date shall likewise continue as if the new Code had not been adopted.
2. Acts of misconduct that are committed or processed after the effective date of this Code shall be governed by the rules and procedures included in this new Code.

C. Any unit of the university may adopt additional substantive or procedural standards to this code, provided the additional standards:

1. Are necessary to meet academic concerns or to comply with the professional or accreditation standards;
2. Guarantee students in the unit a fair opportunity to be heard consistent with the standards of evidence and due process found in this code;
3. Are enacted by the faculty governing organization of that unit; and
4. Are approved by the chief student affairs officer of the campus.

D. The UFC Executive Committee is authorized to approve modifications to the Code as adopted by the UFC until its effective date.

HISTORY

Prior to 1990, the student conduct process was handled separately by each campus.

On May 4, 1990, the Trustees of Indiana University approved a comprehensive revision of the Code of Student Ethics. It approved minor amendments on June 5, 1993; and December 13, 1996.

On October 8, 1996, the Trustees approved amendments including changing the name to the Code of Student Rights, Responsibilities and Conduct. It approved minor amendments on June 11, 2004; June 24, 2005; and June 12, 2009.

On September 22, 2015, the Code was amended by the UFC Executive Committee to align it with the Sexual Misconduct Policy. Approved by Trustees February 5, 2016.

On November 29, 2016, the Code was amended by the UFC to reflect changes in the Sexual Misconduct Policy. Approved by Trustees on February 3, 2017.

On December 13, 2022, the UFC approved moving the personal misconduct section of the Code from ACA-33 to a separate policy, STU-00. Approved by University President March 1, 2023. This version of the policy can be found [here](#).

Comprehensive revision April 25, 2023, by the UFC. Approved by University President June 20, 2023.

On February 27, 2024, the UFC approved a minor amendment to the Code. Approved by the Vice President for Student Success and made effective July 29, 2024.

Related Information

[Americans with](#)

[Disabilities Act Policy](#)

[Non-Discrimination Policy](#)

[Discrimination, Harassment, and Sexual Misconduct Policy](#)

[Accommodations for Religious Observances](#)

[Student Rights Under FERPA and Release of Student Information](#)

Non-Discrimination

UA-01

About This Policy

Effective Date:

11-21-1969

Date of Last Review/Update:

06-26-2025

Responsible University Office:

Office of Civil Rights Compliance

Responsible University Administrator:

Vice President and Chief Human Resources Officer

Policy Contact:

Associate Vice President of Civil Rights Compliance

ocrc@iu.edu

Policy Feedback:

If you have comments or questions about this policy, let us know with the [policy feedback form](#).

Scope

This policy applies to members of the Board of Trustees, all employees of the university including administrators, faculty, staff, part time (hourly); and to all students.

[Back to top](#)

Policy Statement

Indiana University pledges itself to continue its commitment to the achievement of equal opportunity within the University and throughout American society as a whole. In this regard, Indiana University will recruit, hire, promote, educate, and provide services to persons based upon their individual qualifications. Indiana University prohibits discrimination on the basis of age, color, disability, ethnicity, sex, gender identity, gender expression, genetic information, marital status, national origin, race, religion, sexual orientation, veteran status, or ancestry.

As required by Title IX of the Education Amendments of 1972, Indiana University does not discriminate on the basis of sex in its educational programs and activities, including employment and admission. Questions specific to Title IX may be referred to the Office for Civil Rights or the University Title IX Coordinator.

Pursuant to IC 22-9.3, it is unlawful discrimination for Indiana University to:

1. Take a licensing action, meaning to grant or renew a license, to refuse to grant or renew a license, or to reward or penalize a person with respect to a license or the granting of, renewal of, or refusal to grant or renew a license if the licensing action is based on a personal characteristic of the person.
2. To require a person who is applying for a license, or to renew a license, to affirm any of the following:
 - a. That a person with a specific personal characteristic is inherently superior or inferior to a person with a different personal characteristic.
 - b. That a person, by virtue of the person's personal characteristic, should be blamed for actions committed in the past.
 - c. That a person's moral character is determined, in whole or in part, by a personal characteristic of the person.
3. Take an education action, meaning to enroll, refuse to enroll, admit, refuse to admit, provide aid, deny aid, reward, or penalize a person with respect to an education or educational opportunity if the education action is based on a personal characteristic of the person.
4. Take an employment action meaning to hire, fire, promote, refuse to promote, demote, reward, or penalize a person with respect to employment or an employment opportunity unless the employment action is based on a bona fide occupational qualification.
5. Take an employment action with respect to a person if the employment action is based on a personal characteristic of a person.
6. Require as a condition of licensing, or to require as a condition of employment, that a person attend training, including a training session, a seminar, a continuing education program, an orientation, or a program of therapy, that asserts any of the following:
 - a. That a person having a specific personal characteristic is inherently superior or inferior to a person having a different personal characteristic.
 - b. That a person by virtue of the person's personal characteristic, should be blamed for actions committed in the past.
 - c. That a person's moral character is determined, in whole or in part, by a person's personal characteristic.

Neither Indiana University nor any of its employees may not, in the course of the university's or the employee's prescribed duties:

1. Implement any of the theories described in 6(a), 6(b), or 6(c) above; or
2. Compel a student to implement any of the theories described in 6(a), 6(b), or 6(c) above.

[Back to top](#)

Definitions

“License” is defined by Indiana law as a franchise, permit, certification, approval, registration, charter, or similar form of authorization or recognition required by law or permitted to be issued by law.

“Personal characteristic” is defined by Indiana law as race, religion, color, sex, national origin, or ancestry.

[Back to top](#)

Additional Contacts

- [Title IX Coordinator](#)
- [Deputy Title IX Coordinators](#)
- [Office for Civil Rights](#)

[Back to top](#)

History

This policy was approved by the Board of Trustees, November 21, 1969; Amended, Board of Trustees, December 4, 1992; Reaffirmed, Board of Trustees, September 17, 2002; Amended, Board of Trustees, June 12, 2009; Title modified and scope added, July 8, 2014; Additional contacts added, September 22, 2014; Amended to include reference to Title IX of the Education Amendments of 1972, Board of Trustees, October 9, 2014; Amended, Board of Trustees, June 15th, 2018. Update to the Responsible Administrator approved by the Board of Trustees, June 14, 2024.

[Back to top](#)

Related Information

[Report an Incident](#)

[Title IX Regulations – Department of Education, 34 C.F.R. § 106.1 et seq.](#)

[Discrimination, Harassment, and Sexual Misconduct policy](#)

EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

Ivy Tech Community College
July 2, 2025

Introduction

Ivy Tech Community College (“Ivy Tech” or “College”) maintains compliance with relevant anti-discrimination laws by designating at least one employee on each of its 19 campuses who oversees that campus’s response to reported discrimination, in consultation and coordination with the College Title IX and Title VI Coordinator. The College Title IX and Title VI Coordinator is responsible for system-wide compliance and tracking. This report includes all reported acts of antisemitism since October 7, 2023, across all 19 campuses of Ivy Tech across Indiana.

Definition of Antisemitism

Ivy Tech does not specifically define *antisemitism* or reference the IHRA definition of *antisemitism*; however, the College’s prohibition on discrimination and harassment in its Discrimination and Harassment Policy and Procedures covers all students, including Jewish students. A copy of the College’s policy is included with this submission as Attachment A. In relevant part, Ivy Tech’s policy states:

Ivy Tech Community College is committed to cultivating an inclusive community where every person is valued and respected. We recognize that discrimination and harassment of every kind, including that involving sexual violence, is a direct threat to the effective development of such a community. As such, Ivy Tech Community College prohibits discrimination and harassment against students, employees, or other beneficiaries, ***on the basis of race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status, or any other characteristic protected by local, state, or federal law or regulation***, in admission or access to or employment in its education program and activities [emphasis added].

This policy became effective as an interim policy on December 6, 2024, and became the College’s permanent policy effective June 30, 2025. There have been no changes to the policy language prohibiting discrimination and harassment on the basis of a protected class since March 13, 2025.

Policies Related to Antisemitic Actions and Speech

Ivy Tech Community College does not have a specific institutional policy on antisemitic actions and speech. However, the College's Discrimination and Harassment Policy and Procedures includes a complaint procedure and disciplinary procedures for violations of the policy, which may include acts of antisemitism. A summary of the College's complaint procedure and disciplinary procedures is below:

Discrimination and Harassment Policy and Procedures

I. Scope

This policy applies to any reported discrimination or harassment that is alleged to have occurred in any Ivy Tech Community College (the College) program or activity, including on campus and in buildings owned by the College, or that creates a hostile environment for any College student or employee.

II. Reporting

Any College employee or student-employee acting in the scope of their employment who is not a Confidential Employee and who has reason to believe that a College student or employee has been the target of or has experienced discrimination or harassment in their employment or in the College's education program or activity must report the behavior. Unless a College employee is designated as a Confidential Employee and received information about discrimination or harassment in the employee's capacity as a Confidential Employee, all College employees must report non-identifying information regarding any Clery crime¹ known to them to the Vice President for Public Safety and Emergency Preparedness.

Allegations of all forms of discrimination and harassment may be reported directly to the College Title IX Coordinator or the applicable Campus Title IX Coordinator or via the [online reporting form](#). Online form is attached.

The College accepts anonymous reports. However, anonymous reports may hamper the College's ability to respond effectively to the allegations.

Indiana law requires that anyone who has reason to believe that a minor is a victim of child abuse or neglect (including sexual abuse) has an affirmative duty to make a report to the Indiana Department of Child Services hotline 1-800-800-5556 or to local law enforcement. This includes suspected abuse that involves a child who is no longer a minor. Failure to report may result in criminal charges.

Individuals with questions regarding nondiscrimination laws may contact the United States Department of Education, Office for Civil Rights' Chicago Office, which serves Indiana, as follows:

Office for Civil Rights, Chicago Office
U.S. Department of Education
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Telephone: 312-730-1560
Fax: 312-730-1576; TDD: 800-877-8339
Email: OCR.Chicago@ed.gov

III. Training

Employee training will be provided to individuals involved in responding to reports of discrimination and harassment at the College. Individuals specifically involved in implementing this policy and its procedures will be trained on the scope of the College's education program and activities; the applicable roles in implementing the policy, including how to conduct an investigation, the alternative resolution process, the grievance procedures, conducting hearings, and appeals; and how to serve impartially, including avoiding pre-judgment of the facts at issue, conflicts of interest, and bias.

IV. Retaliation

The College prohibits retaliation against anyone who reports, testifies, assists, or participates or refuses to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment for the purpose of interfering with any right or privilege secured by this policy or law.

V. Expressive Activity

Nothing in this policy is intended to infringe upon or limit a person's right to free speech or free intellectual inquiry, debate, and constructive dialogue. The College values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. Accordingly, speech that is protected by the First Amendment will not be adjudicated according to this policy. However, speech that constitutes harassment or seriously threatens a person's physical safety is not protected and will be subject to investigation and possible disciplinary action as applicable under this policy.

VI. False Information

Any person who in bad faith provides false information or makes a false report related to this policy or a related process may be subject to appropriate discipline up to and including expulsion or termination. Whether a person provided false information or made a false report in bad faith shall not be determined solely by whether there was or was not a finding of responsibility.

VII. Amnesty

The College strongly encourages students to report discrimination and harassment. Accordingly, students who report discrimination or harassment pursuant to this policy will not be disciplined for drug or alcohol consumption connected with the reported discrimination or harassment.

VIII. Emergency Removal

If it is determined that a Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of discrimination or harassment, the Respondent may be immediately removed from the College on an emergency basis. Respondent will be notified of such emergency removal in writing and provided an opportunity to appeal the decision.

IX. Rights of the Parties

Complainants and Respondents have the following rights for all procedures outlined in this policy:

- a. To be informed of this policy and the applicable procedures, including any options available to them in the policy;
- b. To timely written notice of alleged violations and material adjustments to the allegations;
- c. To be treated with respect by College employees;
- d. To an adequate and equitable investigation and appropriate resolution of all complaints of discrimination and harassment;
- e. To be informed of options to notify proper law enforcement authorities and the option to be assisted in notifying such authorities, if the party chooses;
- f. To be notified of available resources, including counseling, mental health, and academic and other support services at the College;
- g. To participate in the investigation and adjudication process, including the opportunity to identify potential witnesses and present relevant evidence and to be informed of other directly related evidence gathered and to be provided an opportunity to respond to such through the process;
- h. To have allegations investigated and adjudicated in a reasonable time given the facts and circumstances of the specific case;
- i. To have a preponderance of the evidence (more likely than not) standard applied when determining whether a violation of this policy occurred; and
- j. To appeal determinations in the process as specified in this policy.

X. Notice of Allegations

Upon receipt of a Formal Complaint for behavior that constitutes Title IX Sexual Harassment or if proceedings relating to Other Prohibited Discrimination and Harassment

are initiated, the Campus Title IX Coordinator or other campus designee will provide written notice to the parties (to the extent known) containing the following information:

1. Notice of the College's grievance process, including the alternative resolution process;
2. Notice of the allegations, including sufficient details known at the time. Sufficient details include: the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment or Other Prohibited Discrimination and Harassment, and the date and location of the alleged incident(s), if known;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
4. If the allegation is of Title IX Sexual Harassment, notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney and the right to an advisor provided by the College for a hearing;
5. Notice that this policy, under "Generally Applicable Principles Section VI," and the College's Code of Student Rights & Responsibilities, section C. (1), "Dishonesty," prohibit making false statements or knowingly submitting false information during grievance processes in bad faith. The College may impose sanctions for such behavior provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith.

This Notice must be sent with sufficient time to allow the parties to prepare a response before any initial interview.

XI. Alternative Resolution

Upon receipt of a Formal Complaint or if Other Prohibited Discrimination and Harassment proceedings are initiated and after providing sufficient notice to the parties as described above, the College may, in appropriate cases, facilitate an alternative resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility, mediation, and voluntary resolutions. The College may not require the parties to participate in the alternative resolution process, but instead must obtain the parties' voluntary, written consent to participate.

The alternative resolution process is not available to resolve allegations that an employee engaged in Title IX Sexual Harassment against a student. Further, at any time during the alternative resolution process, any of the parties may end the alternative resolution process and initiate the investigation and determination process.

INVESTIGATION AND RESOLUTION PROCESS FOR COMPLAINTS OF NON-SEXUAL PROHIBITED DISCRIMINATION AND HARASSMENT

I. Covered Behaviors

The procedures in this section apply to all other allegations of Other Prohibited Discrimination and Harassment on the basis of a protected class.

II. Procedures

A. Investigation

The burden of proof and collection of evidence rests with the College. An investigator will be assigned to investigate the allegations.

The means of investigating a complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

B. Student Respondent Procedures

i. Decision and Sanction

Following the investigation, the Decisional Official will meet with the Respondent in a judicial conference to discuss the alleged violations of this policy. During the meeting, the Respondent may choose to accept or deny responsibility for violating this policy. If the Respondent accepts responsibility for the alleged violation, the Respondent waives the right to appeal the finding of responsibility. If the Respondent denies responsibility for the alleged violation, the Decisional Official will determine, based upon a preponderance of the evidence, whether the Respondent violated this policy. If the Respondent is found responsible for violating this policy, the Decisional Official will impose appropriate sanctions, considering the nature and severity of the behavior and the existence of any prior incidents or violations.

ii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c. The investigator or Decisional Official had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the investigator's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's determination.

C. Employee Respondent Procedures

i. Investigation Report

When the investigator has completed their collection of evidence, the investigator will create an investigation report that fairly summarizes the relevant evidence. The investigator will provide both parties an equal opportunity to inspect and review the investigation report and evidence obtained that is directly related to the allegations raised in the complaint so that each party can meaningfully respond. The parties will have ten days to submit a written response.

ii. Decision and Sanction

For matters alleging an employee committed Other Prohibited Discrimination and Harassment but not Title IX Sexual Harassment, the investigator will be the Decisional Official. At least ten days after the parties have been given access to the investigation report and directly related evidence, the Decisional Official will consider all directly related evidence. will deliberate, and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Other Prohibited Discrimination and Harassment. If the Decisional Official determines that the Respondent violated this policy by committing Other Prohibited Discrimination and Harassment, they will send the finding to the Vice President of Human Resources who will determine appropriate sanctions ranging from coaching to termination. When determining the appropriate sanctions, the Vice President of Human Resources will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official will simultaneously notify the parties of their determination regarding the allegations and the assigned sanction in writing and include identification of the allegations potentially constituting Other Prohibited Discrimination and Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

iii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

1. There was a procedural irregularity that affected the outcome of the matter;
2. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The investigator/Decisional Official or Vice President of Human Resources had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's determination or the sanction imposed. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination.

Acts of Antisemitism and Institutional Responses

Act #1

Date: April 9, 2025

A description of the act with name(s) of involved individuals redacted: Student emailed student's academic advisor with concerns about a faculty member. Student reported being displeased with the faculty member's "prerogative about his style of teaching, [lack of] respect and antisemitism." After the College followed up with the faculty member about the complaint, the faculty member indicated that he believed the student had accused him of antisemitism "because [he] criticized the rapper Drake [who is Jewish] as an example for a lesson about writing."

An indication whether the involved individuals were enrolled or employed at the institution at the time of the act: At the time of the act, the student was enrolled in the institution, and the faculty member was employed by the institution.

A description of the institutional response: The College contacted the student multiple times regarding the complaint, including sending the student a link to the College's Maxient reporting system to gather more information. The student was also provided with the direct contact information for the College Title IX & Title VI Coordinator for further discussion about

the complaint. The student did not respond to any of these communications or provide any additional information regarding his allegations of antisemitism.

A notation of the *antisemitism* definition and/or policy (and effective date) used to (a) determine the act was antisemitism and (b) inform the institution's response: The College determined that acts of antisemitism are covered by the College's Discrimination and Harassment Policy and Procedures.

Conclusion

Ivy Tech Community College is dedicated to fostering an inclusive environment where each individual is valued and respected. The College treats all allegations of antisemitism with the utmost seriousness and responds to such concerns with the highest level of sensitivity and respect. Please let us know if you have any questions or need additional information.

ATTACHMENT A

Home > ... > Academic Support & Operations > College Environment >

09.02.00 Discrimination and Harassment Policy and Procedures

09.02.00 Discrimination and Harassment Policy and Procedures

POLICY TITLE

Discrimination and Harassment Policy and Procedures

POLICY NUMBER

09.02.00

PRIMARY RESPONSIBILITY

College Title IX & Title VI Coordinator

Sally Ronald

sronald@ivytech.edu

463-285-8334

CREATION/REVISION/EFFECTIVE DATES

June 30, 2025 replacing Student Equal Opportunity, Harassment, and Nondiscrimination Policy and Procedures

PURPOSE

Ivy Tech Community College (the College) is committed to cultivating an inclusive community where every person is valued and respected. We recognize that discrimination and harassment of every kind, including that involving sexual violence, is a direct threat to the effective development of such a community. As such, Ivy Tech Community College prohibits discrimination and harassment against

[Back to top](#)

students, employees, or other beneficiaries, *on the basis of race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status, or any other characteristic protected by local, state, or federal law or regulation*, in admission or access to or employment in its education program and activities.

GENERALLY APPLICABLE PRINCIPLES

I. Scope

This policy applies to any reported discrimination or harassment that is alleged to have occurred in any Ivy Tech Community College (the College) program or activity, including on campus and in buildings owned by the College, or that creates a hostile environment for any College student or employee.

II. Reporting

Any College employee or student-employee acting in the scope of their employment who is not a Confidential Employee and who has reason to believe that a College student or employee has been the target of or has experienced discrimination or harassment in their employment or in the College's education program or activity must report the behavior. Unless a College employee is designated as a Confidential Employee and received information about discrimination or harassment in the employee's capacity as a Confidential Employee, all College employees must report non-identifying information regarding any Clery crime¹ known to them to the Vice President for Public Safety and Emergency Preparedness.

In addition to the College Title IX Coordinator, each campus has a Campus Title IX Coordinator tasked with overseeing Title IX compliance on their respective campuses. Below is a list of the Campus Title IX Coordinators:

Dr. Amy Ward (Muncie & Anderson Campuses)
George and Frances Ball Building
125 South High Street, Rm 312
Muncie, IN 47305
award119@ivytech.edu
765-289-2291 ext. 1214

Esthela O'Neil
Connie and Steve Ferguson Academic Building
200 Daniels Way
Bloomington, IN 47404
eoneill7@ivytech.edu
812-330-6385

Nicholas Spangle
Coliseum Campus
3800 North Anthony Blvd
Fort Wayne, IN 46805
nspangle2@ivytech.edu
260-480-2035

Jessica Metz
Hamilton County Campus, Room 121
300 N 17th Street
Noblesville, IN 46060
jmetz19@ivytech.edu
317-916-7524

[Back to top](#)

Dr. Jennifer Englert-Copeland
 Moravec Hall, Rm 140B
 4475 Central Avenue
 Columbus, IN 47203
jcopeland58@ivytech.edu
 812-374-5222

Dr. MaNesha Stiff
 Arts and Science Building
 3400 Broadway
 Gary, IN 46409
mstiff1@ivytech.edu
 219-981-4440

Rebecca McQueen-Ruark
 Evansville Main Campus, Room 140A
 3501 North First Avenue
 Evansville, IN 47710
rmcqueenruark@ivytech.edu
 812-429-9849

Dustin Stewart
 Madison Campus, Room 1450
 590 Ivy Tech Drive
 Madison, IN 47250
dstewart113@ivytech.edu
 812-265-2580 X4109

Angelia Forrest
 Marion Campus, 202
 261 South Commerce Drive
 Marion, IN 46952
aforrest5@ivytech.edu
 765-651-3100 ext. 3408

Dr. Tammy Frankland
 Johnson Hall Rm. 1113
 2357 Chester Boulevard

Dr. Theresa Murphy
 Kokomo Main, M102D
 1815 East Morgan Street
 Kokomo, IN 46901
tmurphy7@ivytech.edu
 765-252-5503

Dr. Jessica Pitstick
 Ivy Hall Room 1203
 3101 South Creasy Lane
 Lafayette, IN 47905
jpitstick@ivytech.edu
 765-269-5608

Lisa Moorehead
 Riverfront Campus, Room 326
 50 Walnut Street
 Lawrenceburg, IN 47025
lmoorhead1@ivytech.edu
 812-537-4010 ext. 5237

Dr. Charlotte Bingham
 8104 Hwy 311, Pfau Hall G12
 Sellersburg, IN 47172
cbingham11@ivytech.edu
 812-246-3301 x4949

Sandra Senatore-Roberts
 Room 120x
 220 Dean Johnson Blvd
 South Bend, IN 46601
ssenatorerobert@ivytech.edu
 574-289-7001 ext 1002

Melissa Kearns
 Terre Haute Main Campus, D130D
 8000 South Education Drive

[Back to top](#)

Richmond, IN 47374

tfrankland1@ivytech.edu

765-966-2656 ext. 1112

Niki Fjeldal

North Meridian Center Rm. 540

50 West Fall Creek Parkway North Drive

Indianapolis, IN 46208

nfjeldal@ivytech.edu

317-921-4800 ext 087916

Terre Haute, IN 47802

mkearns1@ivytech.edu

812-298-2398

Lora Plank

3100 Ivy Tech Drive

Valparaiso, IN 46383

lplank@ivytech.edu

219-476-4734

Ryan Drake

North Meridian Center Rm. 540

50 West Fall Creek Parkway North Drive

Indianapolis, IN 46208

rdrake35@ivytech.edu

317-921-4800 ext 081525

Allegations of all forms of discrimination and harassment may be reported directly to the College Title IX Coordinator or the applicable Campus Title IX Coordinator or via the [online reporting form](#).

The College accepts anonymous reports. However, anonymous reports may hamper the College's ability to respond effectively to the allegations.

Indiana law requires that anyone who has reason to believe that a minor is a victim of child abuse or neglect (including sexual abuse) has an affirmative duty to make a report to the Indiana Department of Child Services hotline 1-800-800-5556 or to local law enforcement. This includes suspected abuse that involves a child who is no longer a minor. Failure to report may result in criminal charges.

Individuals with questions regarding nondiscrimination laws may contact the United States Department of Education, Office for Civil Rights' Chicago Office, which serves Indiana, as follows:

Office for Civil Rights, Chicago Office

U.S. Department of Education

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661-4544

[Back to top](#)

Telephone: 312-730-1560

Fax: 312-730-1576; TDD: 800-877-8339

Email: OCR.Chicago@ed.gov

III. Training

Employee training will be provided to individuals involved in responding to reports of discrimination and harassment at the College. Individuals specifically involved in implementing this policy and its procedures will be trained on the scope of the College's education program and activities; the applicable roles in implementing the policy, including how to conduct an investigation, the alternative resolution process, the grievance procedures, conducting hearings, and appeals; and how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

IV. Retaliation

The College prohibits retaliation against anyone who reports, testifies, assists, or participates or refuses to participate in any manner in an investigation, proceeding, or hearing. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a report or complaint of discrimination or harassment for the purpose of interfering with any right or privilege secured by this policy or law.

V. Expressive Activity

Nothing in this policy is intended to infringe upon or limit a person's right to free speech or free intellectual inquiry, debate, and constructive dialogue. The College values the principles of freedom of expression and academic freedom, even when speech or academic discourse is uncomfortable and challenging. Accordingly, speech that is protected by the First Amendment will not be adjudicated according to this policy. However, speech that constitutes harassment or seriously threatens a person's physical safety is not protected and will be subject to investigation and possible disciplinary action as applicable under this policy.

VI. False Information

Any person who in bad faith provides false information or makes a false report related to this policy or a related process may be subject to appropriate discipline up to and including expulsion or termination. Whether a person provided false information or made a false report in bad faith shall not be determined solely by whether there was or was not a finding of responsibility.

VII. Amnesty

The College strongly encourages students to report discrimination and harassment. Accordingly, students who report discrimination or harassment pursuant to this policy will not be disciplined for drug or alcohol consumption connected with the reported discrimination or harassment.

VIII. Emergency Removal

[Back to top](#)

If it is determined that a Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from allegations of discrimination or harassment, the Respondent may be immediately removed from the College on an emergency basis. Respondent will be notified of such emergency removal in writing and provided an opportunity to appeal the decision.

IX. Rights of the Parties

Complainants and Respondents have the following rights for all procedures outlined in this policy:

- a. To be informed of this policy and the applicable procedures, including any options available to them in the policy;
- b. To timely written notice of alleged violations and material adjustments to the allegations;
- c. To be treated with respect by College employees;
- d. To an adequate and equitable investigation and appropriate resolution of all complaints of discrimination and harassment;
- e. To be informed of options to notify proper law enforcement authorities and the option to be assisted in notifying such authorities, if the party chooses;
- f. To be notified of available resources, including counseling, mental health, and academic and other support services at the College;
- g. To participate in the investigation and adjudication process, including the opportunity to identify potential witnesses and present relevant evidence and to be informed of other directly related evidence gathered and to be provided an opportunity to respond to such through the process;
- h. To have allegations investigated and adjudicated in a reasonable time given the facts and circumstances of the specific case;
 - i. To have a preponderance of the evidence (more likely than not) standard applied when determining whether a violation of this policy occurred; and
- j. To appeal determinations in the process as specified in this policy.

X. Notice of Allegations

Upon receipt of a Formal Complaint for behavior that constitutes Title IX Sexual Harassment or if proceedings relating to Other Prohibited Discrimination and Harassment are initiated, the Campus Title IX Coordinator or other campus designee will provide written notice to the parties (to the extent known) containing the following information:

1. Notice of the College's grievance process, including the alternative resolution process;
2. Notice of the allegations, including sufficient details known at the time. Sufficient details include: the identities of the parties involved in the incident, if known, the conduct allegedly constituting Title IX Sexual Harassment or Other Prohibited Discrimination and Harassment, and the date and location of the alleged incident(s), if known;
3. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

[Back to top](#)

4. If the allegation is of Title IX Sexual Harassment, notice that the parties may have an advisor of their choice, who may be, but is not required to be, an attorney and the right to an advisor provided by the College for a hearing;
5. Notice that this policy, under "Generally Applicable Principles Section VI," and the College's Code of Student Rights & Responsibilities, section C. (1), "Dishonesty," prohibit making false statements or knowingly submitting false information during grievance processes in bad faith. The College may impose sanctions for such behavior provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a false statement in bad faith.

This Notice must be sent with sufficient time to allow the parties to prepare a response before any initial interview.

XI. Alternative Resolution

Upon receipt of a Formal Complaint or if Other Prohibited Discrimination and Harassment proceedings are initiated and after providing sufficient notice to the parties as described above, the College may, in appropriate cases, facilitate an alternative resolution process. Alternative resolution options may include, but are not limited to, acceptance of responsibility, mediation, and voluntary resolutions. The College may not require the parties to participate in the alternative resolution process, but instead must obtain the parties' voluntary, written consent to participate.

The alternative resolution process is not available to resolve allegations that an employee engaged in Title IX Sexual Harassment against a student. Further, at any time during the alternative resolution process, any of the parties may end the alternative resolution process and initiate the investigation and determination process.

INVESTIGATION AND RESOLUTION PROCESS: COMPLAINTS OF TITLE IX SEXUAL HARASSMENT

I. Covered Behaviors

The procedures in this section apply to allegations of Title IX Sexual Harassment and are to be used only when there is a signed Formal Complaint.

II. Response to Reports of Title IX Sexual Harassment

Upon receipt of a report of Title IX Sexual Harassment, the Campus Title IX Coordinator must promptly, usually within two days,² contact the Complainant to schedule an initial intake meeting. The initial intake meeting will take place in person, via phone, or via virtual meeting. In addition to discussing the availability of supportive measures, the Campus Title IX Coordinator will also consider the Complainant's requests with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint.

III. Formal Complaint

[Back to top](#)

If the Complainant submits a Formal Complaint that a member of the College community engaged in Title IX Sexual Harassment, the allegations will be addressed pursuant to the Title IX Sexual Harassment procedures.

The College Title IX Coordinator may decide to sign a Formal Complaint to investigate the allegation(s) of Title IX Sexual Harassment even in instances where a potential Complainant does not themselves wish to proceed. In determining whether to do so, the College Title IX Coordinator will weigh the potential Complainant's wishes against the College's obligation to provide a safe, nondiscriminatory environment for all, including the potential Complainant.

Even if a Formal Complaint is not filed, supportive measures may continue at the discretion of the Campus Title IX Coordinator.

If, in the course of an investigation, additional allegations are uncovered that warrant investigation, the Campus Title IX Coordinator will provide a supplemental notice of the additional allegations to the parties as described in section X above.

IV. Dismissal and Consolidation

The College Title IX Coordinator must dismiss a Formal Complaint of Title IX Sexual Harassment when the alleged conduct, even if true, would not constitute Title IX Sexual Harassment. The College Title IX Coordinator may dismiss a Formal Complaint when a Complainant notifies the Campus or College Title IX Coordinator they would like to withdraw the Formal Complaint or when the Respondent is a non-student and non-employee of the College. If the Respondent was a student or employee of the College at the time of the alleged incident but is no longer a student or employee of the College, College may condition rehiring or readmission on the outcome of the Formal Complaint adjudication.

If a Formal Complaint is dismissed, the College Title IX Coordinator will promptly inform the parties of the reason for dismissal and the right to appeal the dismissal. The appeal grounds and procedures are the same as those for appealing the Decisional Official's determination. The complaint may be referred to other applicable College policies and procedures, including those included in this policy, for adjudication and the parties will be notified of any such referral in writing.

The College may consolidate Formal Complaints or complaints where the allegations arise out of the same facts or circumstances. If the allegations include allegations of Title IX Sexual Harassment and Other Prohibited Discrimination and Harassment, the investigation will follow the Title IX Sexual Harassment procedures.

V. Procedures

The procedures in this section apply to allegations of Title IX Sexual Harassment only when there is a signed Formal Complaint.

A. Advisors

The parties may be accompanied to any meeting or proceeding related to this policy by an advisor of their choice. The parties may choose anyone to be an advisor so long as the potential advisor is willing and available and does not have institutionally conflicting roles such as being a witness in the investigation or an administrator or who has an active role in the matter.

[Back to top](#)

Advisors may not present on behalf of their party. Advisors may confer quietly with parties as necessary as long as they do not disrupt the process. An advisor who disrupts the process will receive one warning after which if continued disruption occurs, the advisor will be removed from the meeting or proceeding. In such an event, the parties will be given the opportunity to reschedule the meeting or proceeding and be accompanied by another advisor.

B. Investigation

Unless a Formal Complaint is dismissed or the parties resolve a Formal Complaint through the alternative resolution process, the College will investigate allegations of Title IX Sexual Harassment and make a determination regarding responsibility.

The burden of proof and responsibility for collection of evidence rests with the College.

An investigator will be assigned to investigate the allegations. For investigations involving a student Respondent, the investigator will be the Campus Title IX Coordinator from the Respondent's home campus or that person's designee. For investigations involving an employee Respondent, the investigator will be a Human Resources lead from a campus other than the Respondent's home campus.

The means of investigating a Formal Complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information and review of records and documentation. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

Information related to prior sexual history of the parties will be not relevant unless such information is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the information includes specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent. However, consent will not be assumed based solely on evidence of any prior sexual history.

When the investigator has completed the collection of evidence, they will provide both parties an equal opportunity to inspect and review the evidence obtained that is directly related to the allegations raised in the Formal Complaint so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation. The parties will have ten days to submit a written response to the evidence, which the investigator will consider prior to completion of the investigation report. The investigator will create an investigation report that fairly summarizes the relevant evidence and will provide the investigation report and access to any directly related evidence to each party and their advisor at least ten days prior to the hearing. The parties will have ten days to submit a written response.

C. Hearing

[Back to top](#)

For Formal Complaints involving an employee Respondent, a Decisional Official will be appointed to conduct a hearing and determine whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. For Formal Complaints involving a student Respondent, a three-member hearing panel will be appointed to conduct a hearing and determine by majority vote whether Title IX Sexual Harassment occurred as alleged in the Formal Complaint. One member of the hearing panel will be appointed the hearing panel chair. The Decisional Official/hearing panel will be provided with the investigation report and will have access to all directly related evidence.

The hearing will take place either in-person or remotely via video call at the discretion of the College Title IX Coordinator. The parties and witnesses identified by the Decisional Official are encouraged to be available for the hearing.

The Decisional Official/hearing panel will review the allegations from the Formal Complaint and the investigation report and both parties will have an equal opportunity to provide a statement. The Decisional Official/hearing panel and the parties through their advisors will have an opportunity to ask relevant questions of the parties and appearing witnesses. The Decisional Official/hearing panel will determine whether proposed questions are relevant prior to them being answered.

The hearing will be recorded.

D. Decision and Sanction

After the hearing, the Decisional Official/hearing panel will deliberate and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Title IX Sexual Harassment. If the Decisional Official/hearing panel determines that the Respondent violated this policy by committing Title IX Sexual Harassment, they will determine appropriate sanctions ranging from probation or coaching to expulsion or termination. When determining the appropriate sanctions, the Decisional Official/hearing panel will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official/hearing panel will simultaneously notify the parties of its determination on both responsibility and sanctions, as applicable, in writing. The notice will include identification of the allegations potentially constituting Title IX Sexual Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

E. Appeals

Following the Decisional Official's/hearing panel's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the Decisional Official/hearing panel's determination.

The only grounds for appeal are:

[Back to top](#)

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility was made that could affect the outcome of the matter; or
- c. The Campus or College Title IX Coordinator, investigator(s), or Decisional Official/hearing panel member(s) had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's/hearing panel's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination. Sanctions will not be implemented until the Appellate Official issues an opinion on any pending appeals or if the appeal time period has lapsed with no submitted appeals.

INVESTIGATION AND RESOLUTION PROCESS: COMPLAINTS OF OTHER PROHIBITED DISCRIMINATION AND HARASSMENT

I. Covered Behaviors

The procedures in this section apply to all other allegations of Other Prohibited Discrimination and Harassment on the basis of a protected class.

II. Procedures

A. Investigation

The burden of proof and collection of evidence rests with the College. An investigator will be assigned to investigate the allegations.

The means of investigating a complaint include, but are not limited to, interviews with Complainant, Respondent, and any witness(es) the investigator believes could potentially have relevant information. The parties shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other relevant evidence. Both parties must be permitted to discuss the allegations under investigation and to gather and present relevant evidence while safeguarding the privacy of those involved.

B. Student Respondent Procedures

i. Decision and Sanction

Following the investigation, the Decisional Official will meet with the Respondent in a judicial conference to discuss the alleged violations of this policy. During the meeting, the Respondent may choose to accept or deny responsibility for violating this policy. If the Respondent accepts responsibility for the alleged violation, the Respondent waives the right to appeal the finding of responsibility. If the Respondent denies responsibility for the alleged violation, the Decisional Official will determine, based upon a

[Back to top](#)

preponderance of the evidence, whether the Respondent violated this policy. If the Respondent is found responsible for violating this policy, the Decisional Official will impose appropriate sanctions, considering the nature and severity of the behavior and the existence of any prior incidents or violations.

ii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

- a. There was a procedural irregularity that affected the outcome of the matter;
- b. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c. The investigator or Decisional Official had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the investigator's determination. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's determination.

C. Employee Respondent Procedures

i. Investigation Report

When the investigator has completed their collection of evidence, the investigator will create an investigation report that fairly summarizes the relevant evidence. The investigator will provide both parties an equal opportunity to inspect and review the investigation report and evidence obtained that is directly related to the allegations raised in the complaint so that each party can meaningfully respond. The parties will have ten days to submit a written response.

ii. Decision and Sanction

For matters alleging an employee committed Other Prohibited Discrimination and Harassment but not Title IX Sexual Harassment, the investigator will be the Decisional Official. At least ten days after the parties have been given access to the investigation report and directly related evidence, the Decisional Official will consider all directly related evidence. will deliberate, and, using a preponderance of the evidence (more likely than not) standard, determine whether the Respondent is responsible for violating this policy by committing Other Prohibited Discrimination and Harassment. If the Decisional Official determines that the Respondent violated this policy by committing Other Prohibited Discrimination and Harassment, they will send the finding to the Vice President of

[Back to top](#)

Human Resources who will determine appropriate sanctions ranging from coaching to termination. When determining the appropriate sanctions, the Vice President of Human Resources will consider the nature and severity of the behavior and the existence of any prior incidents or violations.

The Decisional Official will simultaneously notify the parties of their determination regarding the allegations and the assigned sanction in writing and include identification of the allegations potentially constituting Other Prohibited Discrimination and Harassment; description of the procedural steps taken; findings of fact supporting the determination; conclusions regarding the application of this policy to the facts; a statement of, and rationale for, the result as to each allegation; and the procedures and permissible bases for the Complainant and Respondent to appeal.

iii. Appeals

Following the Decisional Official's determination, either party may submit an appeal to the Appellate Official. The appeal must be in writing and received within ten days of the date the parties were notified of the investigator's determination.

The only grounds for appeal are:

1. There was a procedural irregularity that affected the outcome of the matter;
2. New evidence has become available that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
3. The investigator/Decisional Official or Vice President of Human Resources had a conflict of interest or bias for or against Complainants or Respondents generally or for or against the individual Complainant or Respondent that affected the outcome of the matter.

Both parties will have five days after the submission of an appeal to submit a written statement in support of or challenging the Decisional Official's determination or the sanction imposed. The Appellate Official will issue a written decision simultaneously to the parties describing the result of the appeal and the rationale for the result within 15 days of the latter of a) the conclusion of the five-day submission period or b) after all parties have submitted statements in support of or challenging the Decisional Official's/hearing panel's determination.

DEFINITIONS

Appellate Official: College employee appointed to hear appeals under this policy.

- For proceedings involving an employee Respondent, the Appellate Official is the Senior Vice President for Business Affairs.
- For proceedings involving a student Respondent, the Appellate Official is the Chancellor for the Respondent's campus.

Complainant: An individual within the College community who may have experienced discrimination or harassment (even if they have not submitted a Formal Complaint).

[Back to top](#)

Confidential Employee includes licensed, professional mental health counselors working in that capacity for the College, health care professionals and staff working in on-campus health care centers, and employees specifically designated as sexual assault advocates. Confidential Employees are not required to report allegations of Title IX Sexual Harassment and will not share information received in their Confidential Employee capacity without permission or as allowed by law.

Consent: Knowing, voluntary, and clear mutual agreement to engage in specific sexual activity. Consent must be freely and actively given and communicated by clearly and mutually understandable words or actions to participate in each form of sexual activity. Consent may be withdrawn at any time. Consent to some sexual contact cannot be presumed to be consent for other sexual activity. Consent cannot be compelled by force, threat, deception, or intimidation. Consent cannot be given by someone who is incapacitated. Consent does not exist when the individual initiating the sexual activity knew or should have known of the other individual's incapacitation. Consent cannot be given if the person is not legally old enough to give consent.

Dating Violence: Violence committed by an individual who is or has been in a social relationship of a romantic or intimate nature with the Complainant. Factors to consider in determining whether such a relationship exists include the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Decisional Official: The College employee appointed to make a determination regarding a finding of responsibility under this policy.

Discrimination: Treating someone adversely on the basis of their being a part of a protected class. In determining whether discrimination occurred, College will consider whether there was an adverse impact on the Complainant's education or work environment and whether individuals outside of the protected class were treated more favorably.

Domestic Violence: Violence that would constitute a felony or misdemeanor crime of violence committed by an individual who:

- is a current or former spouse or intimate partner of Complainant under the family or domestic violence laws of Indiana;
- shares a common child with Complainant;
- is cohabitating with, or has cohabitated with, Complainant as a spouse or intimate partner; or
- commits acts against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the state of Indiana.

Force: The use of physical violence or the threat of physical violence that causes the fear of death or serious personal injury.

Formal Complaint: A document signed and submitted by a Complainant (or in certain cases the College Title IX Coordinator) alleging discrimination, harassment, or retaliation by Respondent and requesting that the College investigate and adjudicate according to this policy.

Harassment: Conduct on the basis of an individual's belonging to a protected class that has the purpose or effect of substantially interfering with that individual's access to an education program or activity or employment at the College or that creates a hostile environment.

[Back to top](#)

Hostile Environment: Unwelcome conduct on the basis of a protected class that is so severe, pervasive, or objectively offensive that it denies, limits, or interferes with a person's employment or their ability to participate in or benefit from the College's education program or activity.

Incapacitation: When an individual is unable to understand the facts, nature, extent, or implications of the situation due to drugs, alcohol, a mental disability, or being asleep or unconscious. With respect to alcohol and drugs, intoxication or impairment is not equivalent to incapacitation.

Non-Title IX Sexual Harassment:

- A College community member conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, or objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Other Prohibited Discrimination and Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy.

Other Prohibited Discrimination and Harassment: Discrimination or harassment based on an individual's belonging to a protected class that does not constitute Title IX Sexual Harassment. Other Prohibited Discrimination and Harassment includes Non-Title IX Sexual Harassment.

Protected Class: The following are protected classes for purposes of this policy: race, color, ethnicity, national origin, marital status, religion, sex, gender, sexual orientation, gender identity, disability, age, or veteran status.

Respondent: a member of the College community alleged to have engaged in conduct that could constitute discrimination, harassment, or retaliation under this policy.

Sexual Assault:

For Title IX Sexual Harassment procedures includes:

- Sex Offenses, Forcible—Any sexual act directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent. It includes:
 - Forcible Rape -- 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 Complainant;
 - Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
 - Sexual Assault With An Object—To use an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will.

will (non-consensually) in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity; or

- Forcible Fondling—The touching of the private body parts of another person (buttocks, groin, breasts) for the purpose of sexual gratification, forcibly and/or against that person's will (non-consensually) or not forcibly or against the person's will in instances where the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- Sex Offenses, Nonforcible— Nonforcible sexual intercourse. It includes:
 - Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Indiana law; or
 - Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent according to Indiana law IC 35-42-4-9.

For Other Prohibited Discrimination and Harassment procedures includes:

- Non-consensual sexual penetration—Sexual penetration of another individual without the consent of the individual or by force.
- Non-consensual sexual contact—Intentional sexual touching of the intimate area of another individual (i.e., genitals, breasts, buttocks) or intentional sexual touching of another individual with any of these body parts, without the consent of the individual or by force.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety, the safety of others or suffer substantial emotional distress. Stalking can occur in person or using technology, and the duration, frequency, and intensity of the conduct should be considered. Stalking tactics can include, but are not limited to watching, following, using tracking devices, monitoring online activity, unwanted contact, property invasion or damage, hacking accounts, threats, violence, sabotage, and attacks. Merely annoying conduct, even if repeated, is a nuisance, but is not typically chargeable as stalking.

For purposes of the stalking definition, a course of conduct requires that there be more than one incident, and the conduct must be directed at a specific person. Reasonable person is an objective standard meaning a person in the Complainant's situation and circumstances (having similar characteristics/demographics to the Complainant). Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Student: For purposes of this policy a student is a person enrolled in a degree or certificate program at the College.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered to both Complainant and Respondent as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent. Such measures are designed to restore or preserve equal access to the College's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the educational environment or to deter sexual harassment.

[Back to top](#)

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence in the case of employees, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Sexual Harassment: Conduct on the basis of sex or sexual in nature that is any of the following:

- An employee of the College conditioning the provision of an aid, benefit, or service of the College on an individual's participation in unwelcome sexual conduct.
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's education program or activity.
- Sexual assault (as defined by the Sexual Assault for Title IX Sexual Harassment procedures definition), dating violence, domestic violence, and stalking as defined by this policy applicable to Title IX Sexual Harassment procedures.

FOOTNOTES

¹ The following are Clery crimes: criminal homicide; sexual assault; robbery; aggravated assault; burglary; motor vehicle theft; arson; dating violence; domestic violence; stalking; hate crimes including larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property; and arrests and referrals for disciplinary referrals for violations of weapons, drug, and liquor laws. [\[return\]](#)

² Any quantity of days reference in this policy refers to business days. [\[return\]](#)

[Copy Permalink](#)

KB0014754

Author

Scott Kiser

Published Date

2025-06-30

View Count

[Back to top](#)

Helpful?

2025 Ivy Tech Community College

EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

Purdue University
June 30, 2025

Introduction

Purdue University is committed to providing an environment in which all members of the University community are able to pursue their goals, educational needs and working lives without intimidation or injury generated by intolerance, harassment, or discrimination. Such conduct is unacceptable and will not be tolerated. The following report includes information for the entire Purdue University system, including the West Lafayette campus (including Indianapolis and statewide locations), Purdue Fort Wayne, and Purdue University Northwest.

Definition of *Antisemitism*

Executive Order 25-39 states, “The Commission shall use the definition of antisemitism adopted on May 26, 2016, by the International Holocaust Remembrance Alliance (“IHRA”) for the purposes of this report.”

Purdue University’s definition of *antisemitism* is as follows:

Antisemitism

A certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.

Purdue University’s definition of antisemitism matches the IHRA. The effective date of this definition is May 12, 2025. No definition previously existed; however, consistent with prior guidance from the Department of Education’s Office for Civil Rights and the United States Department of Justice, when Purdue University’s policies and procedures prohibited discrimination and harassment on the basis of national origin or ancestry, such prohibition encompassed shared ancestry or ethnic characteristics, including shared religion.

Policy Related to Antisemitic Actions and Speech

Purdue University’s policies on antisemitic actions and speech are the *Anti-Harassment Policy* (III.C.1) (Revised June 1, 2025) (See Appendix A) and the *Equal Opportunity and Equal Access Policy* (III.C.2) (Revised June 30, 2025) (See Appendix B). Recent prior revisions of each policy include:

Anti-Harassment Policy (III.C.1):

- April 21, 2025: Clarified that good faith reports are not considered false if unsubstantiated. Updated links and references. See Appendix C.
- October 1, 2024: Contacts section updated. See Appendix D.
- August 1, 2021: Interim status removed. See Appendix E.

Equal Opportunity and Equal Access Policy (III.C.2):

- April 21, 2025: Removed references to affirmative action. Clarified that good faith reports are not considered false if unsubstantiated. Updated titles, links and references. See Appendix F.
- August 1, 2021: Interim status removed. See Appendix G.

Acts of Antisemitism and Institutional Responses: West Lafayette Campus (including Indianapolis and Statewide Locations)

Act #: 1

Date of Act: October 12, 2023

Description of the Act: An unaffiliated individual submitted a Hotline Report stating that there was a “pro-Palestinian rally marching around campus shouting hate speeches.” The report did not include a description of the alleged speech or identify any respondent(s).

Description of Institutional Response: Purdue University Office for Civil Rights (“OCR”)¹ staff spoke with the reporter on the phone, during which he expressed general concerns but would not provide specific information regarding the content of the alleged hate speech. Our outreach to the impacted party involved providing the impacted party information regarding the University’s policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The impacted party requested no action from the University. Following this initial investigation, OCR determined that this incident likely did not violate Purdue’s policies and that the activity did not create a hostile educational environment.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1)* (revised August 1, 2021); *Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2)* (revised August 1, 2021)

Act #: 2

Date of Act: November 6, 2023

Description of the Act: Jewish student reported that another student sent her Anti-Jewish propaganda videos on Instagram. The impacted student shared that the initial message stated, “Not a matter of religion. You should strive to challenge your opinions as a Jew” and then escalated to videos of attacks against Jewish individuals. The original report was made to Purdue University Police Department (“PUPD”).

¹ Purdue University’s Office for Civil Rights was formerly known as the Office of Institutional Equity. For purposes of this report, the office will be referred to by its current name.

Description of Institutional Response: OCR sent outreach to the impacted party on November 6, 2023. OCR met with the impacted student on November 7, 2023, and provided the impacted student information regarding the University's policies and procedures, including information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. During OCR's meeting with the impacted student, she indicated that she was aware of the support offered by the Provost to Purdue Hillel ("Hillel") and to Jewish students. She declined offers of academic measures or other supportive measures and stated that she did not wish to pursue the matter further. Based upon the desires of the impacted student, the University took no additional action.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Act #: 3

Date of Act: November 9 and 10, 2023

Description of the Act: An unaffiliated individual contacted PUPD after a male allegedly attempted to spit on him on two occasions near the front door of Hillel. The reporter indicated his belief that he was targeted because of his religion. He stated that he did not recognize the subject but provided a video to PUPD.

Description of Institutional Response: PUPD investigated and determined the identity of the suspect to be a student. PUPD interviewed both individuals and provided support to the reporter. Both cases were forwarded to the Tippecanoe County Prosecutor's Office, which declined to file charges. Further outreach was made to the reporter, Hillel, and Chabad at Purdue ("Chabad"), which included information on reporting options and safety planning. Threat assessments were conducted by PUPD regarding the locations of both organizations and of events sponsored by them. In addition, the Chief of Police met with representatives of Hillel, and the Provost met with representatives of Hillel and Chabad to discuss ways in which the university could provide support. Since this incident, PUPD has completed periodic threat assessments over the past two years.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Act #: 4

Date of Act: December 7, 2023

Description of the Act: The father of student reported that the student had been subjected to antisemitic harassment from a former friend.

Description of Institutional Response: OCR sent outreach to the impacted student on December 7, 2023, providing the impacted student information regarding the University's policies and procedures, including information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The impacted student

retrieved the outreach communication but did not respond. Follow up outreach was sent on December 11, 2023, with no response from the impacted student. Based on the lack of response from the impacted student and the lack of information regarding the nature of the contact, the University was unable to conclude that this communication created a hostile educational environment for the impacted student.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Act #: 5

Date of Act: August 14, 2024

Description of the Act: Report regarding statements made by students to other students in a residence hall GroupMe chat, including derogatory comments regarding Israel and multiple religions and other inappropriate comments.

Description of Institutional Response: OCR sent outreach to the reporting student on August 14, 2024, providing the reporting student information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The reporting student met with University Residences staff on August 14, 2024, during which the reporting student declined supportive measures and requested no other action from the University. University Residences addressed the residence hall community and set expectations for appropriate content of further GroupMe messages.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Act #: 6

Date of Act: October 17, 2023 (Note: this incident was not reported until August 15, 2024)

Description of the Act: The reporter (unaffiliated at the time of the report) stated that, while the reporter was affiliated with the University as a student, another student "insulted [him] harassed [him] and later days frowned [him] and sexually harrassed [sic] [him]." The reporter alleged that incident was based on his Israeli/Jewish identities.

Description of Institutional Response: No information was provided on the content of any of the alleged statements. At or around the time of the incident, the University received multiple reports concerning the reporter that prompted a review of the reporter's behavior and well-being. Based upon the information provided, since the reporter was no longer affiliated with the University, OCR concluded that there was no hostile educational environment for the reporter.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Act #: 7**Date of Act:** September 5, 2024**Description of the Act:** Anonymous report that a faculty member was sending anti-government and anti-Jewish rhetoric to the political science department almost every week.**Description of Institutional Response:** Due to the lack of information included in the anonymous report and lack of ability to follow up with the reporter, OCR contacted the department head to ascertain whether there were any such messages being sent on a departmental listserv. OCR also referred the matter to Human Resources to address with the department head. The department head indicated that an emeritus faculty member used the departmental listserv from time to time to post links to his blog; the department head also forwarded the recent posts to OCR for review. Upon review, none of the posts could be viewed as creating a hostile environment. Nevertheless, the department head agreed to post a message to the listserv reminding users that it should be used only for university events and business.**Antisemitism Definition/Policy Related to Antisemitic Actions and Speech:** *Anti-Harassment Policy (III.C.1) (revised August 1, 2021); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)***Act #: 8****Date of Act:** October 4, 2024**Description of the Act:** Student reported ongoing roommate conflict with his two roommates, including “microaggressions involving his religion” and calling him names including “Gentile” and “Dirty Jew.” Student reported that a roommate sends him videos only involving Jewish people and that the roommate makes jokes like that the student is “Israel-y angry/hungry/ect [sic]/.”**Description of Institutional Response:** OCR sent outreach to the impacted student on October 4, 2024, providing information regarding the University’s policies and procedures, including formal and informal complaint resolution processes and supportive measures. The impacted student retrieved the outreach communication but did not respond. Follow up outreach was sent on October 8, 2024. University Residences also scheduled roommate mediation. The impacted student responded to OCR on October 11, 2024, stating that he wanted to hold off on a meeting with OCR until after participating in the roommate mediation. This matter was resolved through roommate mediation.**Antisemitism Definition/Policy Related to Antisemitic Actions and Speech:** *Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)***Act #: 9****Date of Act:** October 14, 2024**Description of the Act:** An unaffiliated individual reported that when he, along with three students and a staff member, were setting up their sukkah that afternoon, a student walked by the sukkah and shouted “f*** you.” While walking away east on State Street, the student then shouted, “go to hell Jews.”

Description of Institutional Response: PUPD was called and took a report. PUPD also continued its periodic threat assessments involving Hillel and Hillel events. The Provost communicated directly with representatives of Hillel to reiterate the University's commitment to an environment free from discrimination and harassment and to provide information on resources available at the University to address such incidents. OCR also sent outreach as follows:

- OCR provided outreach to the unaffiliated reporter on October 14, 2024, providing information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The unaffiliated reporter retrieved the outreach communication but did not respond.
- OCR sent outreach to Student 1 on October 15, 2024, providing information regarding the University's policies and procedures including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. OCR met with Student 1 on October 21, 2024. Student 1 reported that she was *not* negatively impacted by the incident. OCR encouraged Student 1 to reach back out if she needed support moving forward and to direct other impacted individuals to OCR as needed.
- OCR sent outreach to Student 2 on October 15, 2024, providing information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The outreach was retrieved, but Student 2 did not respond. OCR sent follow up outreach on October 18, 2024. OCR met with Student 2 on October 25, 2024. Student 2 reported that she was not disrupted by the incident; she indicated that it was useful to know of OCR as a resource but requested no action from the University at that time.
- OCR sent outreach to Student 3 on October 15, 2024, providing information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The outreach was retrieved, but Student 3 did not respond. OCR sent follow up outreach on October 18, 2024.
- OCR sent outreach to the staff member on October 15, 2024, providing information regarding the University's policies and procedures, including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The outreach was not retrieved; OCR emailed outreach directly to the staff member on October 16, 2024, and also left a voicemail message for the staff member. OCR received no response from the staff member.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1)* (revised October 1, 2024); *Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2)* (revised August 1, 2021)

Act #: 10**Date of Act:** January 26, 2025**Description of the Act:** An unaffiliated individual reported that a student was promoting hate against Jews and promoting Hitler on a known Nazi page.**Description of Institutional Response:** OCR provided outreach to the reporter on January 27, 2025, requesting that the individual report additional concerns to our office directly or by completing an Incident Report form. No response was received. Upon review of the available information, OCR concluded that the posting on a non-affiliated social media site did not create a hostile educational environment for other students. OCR referred the matter to the Office of Student Rights and Responsibilities who reviewed and concluded that there was no violation of the Student Code of Conduct.**Antisemitism Definition/Policy Related to Antisemitic Actions and Speech:** *Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)***Act #: 11****Date of Act:** February 12, 2025**Description of the Act:** A graduate student reported that an unknown individual yelled a derogatory comment about Jewish people as she existed a religious center.**Description of Institutional Response:** OCR sent outreach to the impacted student on February 12, 2025, providing information regarding the University's policies and procedures including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The outreach was not retrieved, so OCR sent a follow up outreach to the student directly via email on February 14, 2025. OCR sent a second follow up outreach to the student via email on February 18, 2025. Based on the lack of response from the impacted student and the lack of information regarding the nature of the contact, the University was unable to conclude that this communication created a hostile educational environment for the impacted student.**Antisemitism Definition/Policy Related to Antisemitic Actions and Speech:** *Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)***Act #: 12****Date of Act:** February 18, 2025**Description of the Act:** A student reported that an unknown individual drew a swastika outside of his residence hall room, noting that he has a Mezuzah scroll on his doorframe.**Description of Institutional Response:** OCR sent outreach to the impacted student on February 19, 2025, providing information regarding the University's policies and procedures including information regarding the formal and informal complaint resolution processes and available academic and other supportive measures. The outreach was not retrieved. OCR sent a follow up outreach to the student directly via email on February 24, 2025. The incident was also reported to PUPD and University Residences. University Residences removed the drawing of the swastika.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)

Act #: 13

Date of Act: March 7, 2025

Description of the Act: Two students engaged in a physical altercation prompted by the use of an antisemitic slur.

Description of Institutional Response: A report was submitted to PUPD, who confirmed that both parties had been separated. Due to a lack of information regarding the parties involved or the content of the speech, OCR was unable to provide outreach to the impacted student.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)

Act #: 14

Date of Act: June 14, 2025

Description of the Act: OCR received a report from an unaffiliated individual stating that an employee had made postings that included antisemitic posts to his private social media.

Description of Institutional Response: This matter was referred to PUPD and Human Resources. PUPD investigated and was unable to confirm that the employee made the social media posts or that the content of any such posts was antisemitic. Human Resources met with the employee. Because PUPD was not able to verify the report, OCR determined that no further action was needed at this time.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: Anti-Harassment Policy (III.C.1) (revised June 1, 2025); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised April 21, 2025)

Acts of Antisemitism and Institutional Responses: Purdue Fort Wayne

Act #: 1

Date of Act: February 12, 2025

Description of the Act: A white female undergraduate student reported that while she was studying for German class in the library, she overheard three individuals (believed to be students) making antisemitic and misogynistic comments that made her uncomfortable. The student reported the incident to library staff and to her instructor.

Description of Institutional Response: Library staff reported the incident to Purdue Fort Wayne's Office for Civil Rights Compliance ("OCRC")² but was unable to identify any of the involved parties. OCRC advised library staff on reporting future incidents. The student's

² Purdue Fort Wayne's Office for Civil Rights Compliance was formerly known as the Office of Institutional Equity. For purposes of this report, the office will be referred to by its current name.

instructor reported the incident to Student Conduct and CARE, who met with the student and provided her with supportive resources. The student was unable to identify the offending individuals.

Antisemitism Definition/Policy Related to Antisemitic Actions and Speech: *Anti-Harassment Policy (III.C.1) (revised October 1, 2024); Equal Opportunity, Equal Access and Affirmative Action Policy (III.C.2) (revised August 1, 2021)*

Acts of Antisemitism and Institutional Responses: *Purdue University Northwest*

No acts of antisemitism were reported during the relevant time period.

APPENDIX A

Anti-Harassment (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: June 1, 2025

Table of Contents

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

Contacts

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<p><u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)</u><u>www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u>Office address: Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907</p>
--	--------------	---

Harassment Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6107	<p><u>hr@pfw.edu</u> <u>(mailto:hr@pfw.edu)</u> <u>HR and OCRC Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u></p>
PNW Hammond Campus: Office for Civil Rights	219-989-3169	<p><u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u></p>
PNW Westville Campus: Office for Civil Rights	219-785-5545	<p><u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u></p>
West Lafayette: Office for Civil Rights	765-494-7255	<p><u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u></p>

Reports of Sexual Violence or Sexual Misconduct

Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911.		
Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 144 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <u>marcuccc@pfw.edu</u> <u>(mailto:marcuccc@pfw.edu)</u>
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169 th St. Hammond, IN 46323 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall 155 S. Grant St. West Lafayette, IN 47907 <u>titleix@purdue.edu</u> <u>(mailto:titleix@purdue.edu)</u>

<p>Fort Wayne:</p> <ul style="list-style-type: none"> • Police Department • Office of Student Conduct and Care • Student Housing • Center for Healthy Living 	<ul style="list-style-type: none"> • 260-481-6827 • 260-481-6601 • 260-481-4180 • 765-494-0111 	<ul style="list-style-type: none"> • <u>police@pfw.edu</u> (mailto:police@pfw.edu) • <u>scc@pfw.edu</u> (mailto:scc@pfw.edu) • <u>housing@pfw.edu</u> (mailto:housing@pfw.edu) • <u>CHL Appointments and Services</u> (https://www.pfw.edu/center-healthy-living/appointments-and-services)
<p>PNW Hammond Campus:</p> <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • Housing • Center for Healthy Living 	<ul style="list-style-type: none"> • 219-989-2220 • 219-989-4141 • 219-989-4150 • 765-494-0111 	<ul style="list-style-type: none"> • <u>University Police Department</u> (https://www.pnw.edu/public-safety/) • <u>dos@pnw.edu</u> (mailto:dos@pnw.edu) • <u>Housing</u> (https://www.pnw.edu/housing/) • <u>Center for Healthy Living at PNW</u> (https://www.pnw.edu/center-for-healthy-living/)
<p>PNW Westville Campus:</p> <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students 	<ul style="list-style-type: none"> • 219-785-5220 • 219-785-5230 	<ul style="list-style-type: none"> • <u>University Police Department</u> (https://www.pnw.edu/public-safety/) • <u>dos@pnw.edu</u> (mailto:dos@pnw.edu)

West Lafayette: <ul style="list-style-type: none">• Police Department• Office of the Dean of Students• University Residences• Student Health Center (PUSH)	<ul style="list-style-type: none">• 765-494-8221• 765-494-1747• 765-494-1000• 765-494-1700 <ul style="list-style-type: none">• <u>police@purdue.edu</u> (mailto:police@purdue.edu)• <u>odos@purdue.edu</u> (mailto:odos@purdue.edu)• <u>housing@purdue.edu</u> (mailto:housing@purdue.edu)• <u>shc@purdue.edu</u> (mailto:shc@purdue.edu)
--	---

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 (a) 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 and/or gender expression or (b) based on actual or perceived

shared ancestry or ethnic characteristics, and citizenship or residency in a country with a dominant religion or distinct religious identity and their association with this national origin/ancestry. This includes, for example, conduct towards another person or identifiable group of persons that is determined to have been motivated by Antisemitism, Islamophobia, Christianophobia or any other hatred, prejudice or discrimination against a particular religious belief. 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](https://www.purdue.edu/ethics/resources/resolving-complaints.html) (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>), 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 where the University has initiated an investigation in the absence of a formal or informal complaint.

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 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.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of discrimination or Harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility is not sufficient on its own to conclude that any individual made a materially false statement in bad faith.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated in an investigation or proceeding under this policy.

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 Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, 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
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

Individuals and Entities Affected

All Purdue University community members.

Exclusions

Title IX Harassment matters are addressed under the policy on [**Title IX Harassment \(III.C.4\)\(iiic4.html\)**](#) and the [**Procedures for Resolving Complaints of Title IX Harassment \(https://www.purdue.edu/ethics/resources/titleIX-complaints.php\)**](#).

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 the 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, faculty, consultants and contractors.

- 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

- Report all incidents of Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to 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](#) (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>).

Definitions

All defined terms are capitalized throughout the document. Refer to the central **Policy** [**Glossary** \(../glossary.html\)](#) for additional defined terms.

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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Harassment

Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it 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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

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 is so severe, pervasive or objectively offensive that it 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 of, photographing, or 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 their 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 person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct 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 and Equal Access \(III.C.2\) \(iiic2.html\)](#)
- [Amorous Relationships \(III.A.1\) \(iiia1.html\)](#)
- [Title IX Harassment \(III.C.4\) \(iiic4.html\)](#)

- **University Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.html)

Procedures for Resolving Complaints of Discrimination and Harassment
(<https://www.purdue.edu/ethics/resources/resolving-complaints.php>).

University Title IX website (<https://www.purdue.edu/vpec/ocr/title-ix/>)

Regulations Governing Student Conduct:

- **Fort Wayne** (<https://www.pfw.edu/student-conduct-care/student-conduct#Code>) - see Academic and Student Policies
- **Northwest** (<https://www.pnw.edu/dean-of-students/policies/code-of-conduct/>)
- **West Lafayette** (<https://www.purdue.edu/odos/osrr/conduct/code.html>)

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission** (<https://www.in.gov/icrc>)
- **U.S. Department of Education Civil Rights Laws** (<https://www.ed.gov/laws-and-policy/civil-rights-laws>)
- **U.S. Department of Justice, Americans with Disabilities Act**
(<https://www.ada.gov/>)
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs**
(<https://www.dol.gov/agencies/ofccp>)
- **U.S. Equal Employment Opportunity Commission** (<https://www.eeoc.gov>)

Website Address for This Policy

[www.purdue.edu/policies/ethics/iiic1.html \(iiic1.html\)](https://www.purdue.edu/policies/ethics/iiic1.html)

History and Updates

June 1, 2025: Added explanatory language to Statement of Policy regarding Harassment addressed in this policy. Further clarified false statements.

April 21, 2025: Clarified that good faith reports are not considered false if unsubstantiated.

Updated links and references.

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand the previous language. Noted exclusion for issues addressed under the policy on Title IX Harassment. Updated definitions of Mandatory Reporters and Sexual Harassment.

Updated links in Related Documents, Forms and Tools section.

September 12, 2019: Contacts and Related Documents, Forms and Tools sections updated.

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.

APPENDIX B

Equal Opportunity and Equal Access (III.C.2)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: President

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: December 22, 2010

Date Last Revised: June 30, 2025

Table of Contents

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

Contacts

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)</u> <u>www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u>
--	--------------	--

Discrimination Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6107	<u>hr@pfw.edu</u> <u>(mailto:hr@pfw.edu)</u> <u>HR and OCRC Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-3169	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-785-5545	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Office for Civil Rights or Associate Vice President for Compliance	765-494-7255 or 765-496-3158	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u> <u>compliance@purdue.edu</u> <u>(mailto:compliance@purdue.edu)</u>

Reasonable Accommodations

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6840	<u>hr@pfw.edu</u> <u>(mailto:hr@pfw.edu)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-2163	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-989-2163	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Human Resources	765-494-1679	<u>hr@purdue.edu</u> <u>(mailto:hr@purdue.edu)</u>

Academic Adjustments and Auxiliary Aids and Services

Title/Office	Telephone	Email/Webpage

Fort Wayne: Disability Access Center or Office of Student Conduct and Care	260-481- 6657 or 260-481- 6601	<u>dac@pfw.edu</u> (mailto:dac@pfw.edu) <u>scc@pfw.edu</u> (mailto:scc@pfw.edu)
PNW Hammond Campus: PNW Accessibility Center	219-989- 2455	<u>pac@pnw.edu</u> (mailto:pac@pnw.edu)
PNW Westville Campus: PNW Accessibility Center	219-989- 2455	<u>pac@pnw.edu</u> (mailto:pac@pnw.edu)

West Lafayette: Disability Resource Center or Office of the Dean of Students	765-494-1247 or 765-494-1747	drc@purdue.edu (mailto:drc@purdue.edu) www.purdue.edu/drc (https://www.purdue.edu/drc) www.purdue.edu/odos (https://www.purdue.edu/odos)
--	------------------------------	---

ADA Coordinators

Title/Office	Telephone	Email/Webpage
Fort Wayne: Benefits Administrator	260-481-6096	hr@pfw.edu (mailto:hr@pfw.edu)
PNW Hammond Campus: Associate Director, Office for Civil Rights	219-989-2163	civilrights@pnw.edu (mailto:civilrights@pnw.edu)
PNW Westville Campus: Associate Director, Office for Civil Rights	219-989-2163	civilrights@pnw.edu (mailto:civilrights@pnw.edu)

West Lafayette: Associate Vice President for Civil Rights	765-494-7255	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u>
--	--------------	---

Statement of Policy

Purdue University is committed to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect among its members; and encourages individuals to strive to reach their own potential. The University believes that intellectual and cultural diversity among its many members strengthens the institution, stimulates creativity, promotes the exchange of ideas and enriches campus life.

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

Purdue University does not condone and will not tolerate Discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. Purdue University promulgates policies and programs to ensure that all persons have equal access to its employment opportunities and educational programs, services and activities. The principal objective of this policy is to provide fair and consistent treatment for all students and employees of the University.

Application of this Policy to Employment and Education

All aspects of the employment relationship, including recruitment, selection, hiring, training, professional development, tenure, promotion, compensation and separation, are administered in accordance with this policy. Notwithstanding the prohibition against

Discrimination, the University may, without violating this prohibition, provide different benefit packages to employees who have a spouse and/or dependent children than are provided to other employees.

Purdue University provides Reasonable Accommodations to qualified employees with disabilities.

All policies and procedures applicable to students are administered in accordance with this policy. Purdue University provides Academic Adjustments and Auxiliary Aids and Services to qualified students with disabilities in accordance with federal law.

Purdue University may not require as a condition of employment, that a person attend training, including a training session, a seminar, a continuing education program, an orientation, or a program of therapy, that asserts any of the following:

1. That a person having a specific Personal Characteristic is inherently superior or inferior to a person having a different Personal Characteristic.
2. That a person, by virtue of the person's Personal Characteristic, should be blamed for actions committed in the past.
3. That a person's moral character is determined, in whole or in part, by the person's Personal Characteristic.

Neither Purdue University nor any of its employees may, in the course of the University's or the employee's prescribed duties: (a) implement any of the theories described in the above list; or (b) compel a student to implement any of the theories described above.

Reporting and Addressing Discrimination

This policy seeks to encourage faculty, staff and students to report and address incidents of Discrimination. Discrimination complaints will be addressed promptly and consistently, using procedures that are fair and effective from the point of view of the person and the University, and be resolved at the lowest organizational level possible. The **Procedures for Resolving Complaints of Discrimination and Harassment**

(<https://www.purdue.edu/ethics/resources/resolving-complaints.html>), as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Discrimination.

Violations of this Policy

Any 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. 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.

False Allegations, Statements and Evidence

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 Discrimination in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who knowingly provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of Discrimination or harassment that is not later substantiated is not considered a false statement. Similarly, a determination regarding responsibility is not sufficient on its own to conclude that any individual made a materially false statement in bad faith.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any

manner in a Discrimination investigation or proceeding.

No Waiver

Nothing contained in this policy should be interpreted as a waiver by Purdue University of its sovereign immunity, immunity pursuant to the 11th Amendment of the U.S. Constitution or any other immunity or defense available under state or federal laws.

Reason for This Policy

As a land-grant university, Purdue University is committed to the principles of equal opportunity and equal access in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal employment opportunity is the norm rather than an aspiration.

This policy helps to further the resolution of the Board of Trustees and to ensure the University's compliance with state and federal laws and regulations, including but not limited to:

- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, 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
- Indiana Code on Unlawful Discrimination (IC 22-9.3)
- Pregnancy Discrimination Act
- Pregnant Workers Fairness 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

Individuals and Entities Affected

All Purdue University community members.

Exclusions

There are no exclusions to this policy.

Responsibilities

President of Purdue University

- Overall responsibility for the successful implementation of Purdue University's equal opportunity and equal access policies.

Chancellors

- Establish goals and action-oriented programs that integrate equal opportunity and equal access principles and objectives into all decisions concerning employees and students on his or her campus.
- Appoint an EO Officer and an ADA Coordinator for their campus.

Vice President for Ethics and Compliance

- Serve as Purdue University's equal opportunity officer.
- Develop system-wide policies pertaining to equal opportunity and equal access in cooperation with other University officers.
- Issue and update Procedures for Resolving Complaints of Discrimination and Harassment.

- Coordinate the resolution of all Discrimination complaints filed with external agencies, and oversee and coordinate internal Discrimination grievance procedures in consultation with University officers, Chancellors and legal counsel.

Vice President for Human Resources

- Ensure equal employment opportunity and equal access concepts are included in University personnel policies and procedures and that recruitment and hiring practices and training programs follow those same concepts where applicable.
- Provide guidance and support to University offices or departments in the exercise of their equal employment opportunity and equal access responsibilities.

Vice Provost and Vice Chancellors for Student Life/Affairs

- Ensure equal opportunity and equal access concepts are included in the policies, procedures, programs, services and activities of the University concerning students.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Establish goals and action-oriented programs within their units that integrate equal opportunity and equal access principles and objectives into all decisions within their areas of responsibility.
- Review recommendations for hiring, compensation, promotion, transfer, reassignment and termination, and review the qualifications of applicants and reasons given for selection to ensure compliance with the University's equal opportunity and equal access in policies in both procedure and outcome (or designate responsibility for such).

Associate Vice President for Compliance

- Provide technical assistance to Regional Campus EO Officers.

Associate Vice President for Civil Rights

- Provide technical assistance to Regional Campus EO/AA Officers.

- Serve as a resource to and coordinator of systemwide equal employment opportunity and equal access activities and programs.
- Serve as the campus liaison with federal and state enforcement agencies and community action groups and as the ADA Coordinator for the West Lafayette campus.
- Serve as the Title IX Coordinator for the West Lafayette campus.
- At the West Lafayette campus, develop policies, procedures and programs related to equal employment opportunity and equal access in coordination with other University offices; assist individual units with the development, implementation and oversight of their equal employment opportunity and equal access programs; and develop internal monitoring and reporting systems.

EO Officers at the Fort Wayne and Northwest Campuses

- Develop, implement and monitor their campus's equal employment opportunity and equal access programs and coordinate these efforts with the Associate Vice President for Civil Rights and/or the Associate Vice President for Compliance as necessary.
- Serve as the Title IX Coordinator for their respective campuses.

Department Heads, Directors and Supervisors

- Promote equal employment opportunity.

All Units

- Include equal employment opportunity and equal access efforts and results in evaluations of administrators and supervisors.

Mandatory Reporters

- Report all incidents of Discrimination, harassment or retaliation directly to the campus Title IX Coordinator or EO Officer.

Individuals Who Believe They Have Experienced or Witnessed Discrimination

- Report the incident as described in the **Procedures for Resolving Complaints of Discrimination and Harassment** (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>).

Definitions

All defined terms are capitalized throughout the document. Refer to the central **Policy Glossary** ([..//glossary.html](#)) for additional defined terms.

Academic Adjustments

An academic modification or adjustment that minimizes or eliminates the impact of a disability, allowing the individual to gain equal access and have an equal opportunity to participate in the University's courses, programs, services, activities and facilities.

ADA Coordinator

The Americans with Disabilities Act Coordinator.

Auxiliary Aids and Services

A wide range of services and devices that enable persons with disabilities to have an equal opportunity to participate in, and enjoy the benefits of, Purdue University's programs and activities.

Discrimination

The process of illegally differentiating between people on the basis of group membership rather than individual merit, including, without limitation (a) to take an Education Action with respect to a person if the Education Action is based on a Personal Characteristic of the person, or (b) to take an Employment Action with respect to a person if the Employment Action is based on a Personal Characteristic of the person. *Systemic discrimination* may occur when unequal treatment results from neutral institutional practices that continue the effect of past discrimination. *Individual discrimination* may result when a person is subjected to unequal treatment on the basis 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.

Education Action

To enroll, refuse to enroll, admit, refuse to admit, provide aid, deny aid, reward, or penalize a person with respect to education or an educational opportunity.

Employment Action

To hire, fire, promote, refuse to promote, demote, reward, or penalize a person with respect to employment or an employment opportunity, unless such action is based on a bona fide occupational qualification.

EO Officer

Equal Opportunity Officer.

Mandatory Reporter

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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

Personal Characteristic

Race, religion, color, sex, national origin, or ancestry of an individual.

Reasonable Accommodations

A wide range of modifications that allow otherwise qualified applicants or employees with disabilities, including but not limited to limitations related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, to perform the essential functions of a position. Such modifications may be deemed reasonable if they do not result in an undue burden on Purdue University or its operations.

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.

Related Documents, Forms and Tools

Board of Trustees resolution dated December 18, 2010

Policies, Standards and Operating Procedures:

- [Anti-Harassment \(III.C.1\) \(iiic1.html\)](#)
- [Electronic Information, Communication and Technology Accessibility \(S-5\) \(../information-technology/s5.html\)](#)
- [Limited English Proficiency \(S-25\) \(s25.html\)](#)
- [Nondiscrimination Policy Statement \(https://www.purdue.edu/purdue/ea_eou_statement.php\)](#)
- [Operating Procedures for Service Animals on Campus \(https://www.purdue.edu/ethics/resources/service-animals-on-campus.php\)](#)
- [Procedures for Requesting and Implementing Curricular Accommodations \(https://www.purdue.edu/ethics/resources/curricular_accommodations.php\)](#)
- [Procedures for Requesting and Implementing Student Life Accommodations \(https://www.purdue.edu/ethics/resources/Student%20Life%20.php\)](#)
- [Procedures for Resolving Complaints of Discrimination and Harassment \(https://www.purdue.edu/ethics/resources/resolving-complaints.php\)](#)
- [Title IX Harassment \(III.C.4\) \(iiic4.html\)](#)
- [Human Resources Accommodation Request Process \(https://www.purdue.edu/hr/ADA/accommodation-request-process.php\)](#)
- [Disability Resource Center Student Accommodations and Services \(https://www.purdue.edu/drc/students/accommodations-services.php\)](#)

[University Title IX website \(https://www.purdue.edu/vpec/ocr/title-ix/\)](#)

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission \(https://www.in.gov/icrc\)](#)
- [U.S. Department of Education Office Civil Rights Laws \(https://www.ed.gov/laws-and-policy/civil-rights-laws\)](#)
- [U.S. Department of Justice, Americans with Disabilities Act \(https://www.ada.gov/\)](#)

- **U.S. Department of Labor Office of Federal Contractor Compliance Programs**
(<https://www.dol.gov/agencies/ofccp>)
- **U.S. Equal Employment Opportunity Commission** (<https://www.eeoc.gov>)

Website Address for This Policy

[www.purdue.edu/policies/ethics/iiic2.html \(iiic2.html\)](https://www.purdue.edu/policies/ethics/iiic2.html)

History and Updates

June 30, 2025: Added language in the Statement of Policy regarding Personal Characteristics and further clarified false statements. Updated the definitions of Discrimination and Reasonable Accommodations and added definitions for Education Action, Employment Action and Personal Characteristics.

April 21, 2025: Removed references to affirmative action. Clarified that good faith reports are not considered false if unsubstantiated. Updated titles, links and references.

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand on the previous language. Removed responsibility for serving as systemwide Title IX Coordinator from the VPEC. Updated definition of Mandatory Reporters. Updated links in Related Documents, Forms and Tools section.

July 1, 2018: Contacts section updated.

August 1, 2017: Reference to same-sex domestic partners removed in compliance with Board of Trustees resolution from December 19, 2015.

July 1, 2016: Minor updates to policy, mainly to Contacts section.

June 1 2015: Policy formatted into new template. Responsibilities added for Director of Compliance, Mandatory Reporters and individuals who believe they have experienced or witnessed discrimination. Executive Director of the Office of Institutional Equity named as West Lafayette Title IX Coordinator and VPEC named as system Title IX Coordinator. Definition of Retaliation updated. Contacts and hyperlinks updated.

April 27, 2012: Contacts section updated.

November 18, 2011: Policy number changed to III.C.2 (formerly X.2.2) and website address updated.

May 27, 2011: Contacts section updated.

May 1, 2011: This policy supersedes Equal Opportunity, Equal Access and Affirmation Action, Interim (X.2.2) dated December 22, 2010.

December 22, 2010: This policy supersedes the Reaffirmation of University Policy on Equal Employment Opportunity and Affirmative Action (Executive Memorandum No. D-1) dated January 8, 2001, and December 31, 2002. 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.

APPENDIX C



Anti-Harassment (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: April 21, 2025

TABLE OF CONTENTS

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected by This Policy

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

CONTACTS

Policy Clarification		
Title/Office	Telephone	Email/Webpage
Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu www.purdue.edu/ethics Office address: Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907

Harassment Complaints		
Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Office of Institutional Equity	260-481-6840	hr@pfw.edu HR and OIE Staff
PNW Hammond Campus: Office of Institutional Equity	219-989-2337	OIE About Us
PNW Westville Campus: Office of Institutional Equity	219-785-5545	OIE About Us
West Lafayette: Office of Institutional Equity	765-494-7255	equity@purdue.edu OIE Contacts

Reports of Sexual Violence or Sexual Misconduct		
Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911.		
Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 139 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 marcuccc@pfw.edu
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169 th St. Hammond, IN 46323 odoml@pnw.edu
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 odoml@pnw.edu
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907 titleix@purdue.edu
Fort Wayne: <ul style="list-style-type: none"> • Police Department • Office of Student Conduct and Care • Student Housing • Center for Healthy Living 	<ul style="list-style-type: none"> • 260-481-6827 • 260-481-6601 • 260-481-4180 • 765-494-0111 	<ul style="list-style-type: none"> • police@pfw.edu • scc@pfw.edu • housing@pfw.edu • CHL Appointments and Services
PNW Hammond Campus: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • Housing • Center for Healthy Living 	<ul style="list-style-type: none"> • 219-989-2220 • 219-989-4141 • 219-989-4150 • 765-494-0111 	<ul style="list-style-type: none"> • University Police Department • dos@pnw.edu • Housing • Center for Healthy Living at PNW
PNW Westville Campus: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students 	<ul style="list-style-type: none"> • 219-785-5220 • 219-785-5230 	<ul style="list-style-type: none"> • University Police Department • dos@pnw.edu

Reports of Sexual Violence or Sexual Misconduct cont'd		
Title/Office	Title/Office	Title/Office
West Lafayette: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH) 	<ul style="list-style-type: none"> • 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700 	<ul style="list-style-type: none"> • police@purdue.edu • odos@purdue.edu • housing@purdue.edu • shc@purdue.edu

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 and/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 where the University has initiated an investigation in the absence of a formal or informal complaint.

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 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.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an

investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of discrimination or Harassment that is not later substantiated is not considered a false statement.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated in an investigation or proceeding under this policy.

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 Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, 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
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

Title IX Harassment matters are addressed under the policy on [Title IX Harassment \(III.C.4\)](#) and the [Procedures for Resolving Complaints of Title IX Harassment](#).

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 the 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, faculty, consultants and contractors.
- 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

- Report all incidents of Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to 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. Refer to the central [Policy Glossary](#) for additional defined terms.

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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Harassment

Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it 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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

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 is so severe, pervasive or objectively offensive that it 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 of, photographing, or 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 their 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 person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct 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 and Equal Access \(III.C.2\)](#)
- [Amorous Relationships \(III.A.1\)](#)
- [Title IX Harassment \(III.C.4\)](#)
- [University Nondiscrimination Policy Statement](#)

[Procedures for Resolving Complaints of Discrimination and Harassment](#)

[University Title IX website](#)

Regulations Governing Student Conduct:

- [Fort Wayne](#)— see Academic and Student Policies
- [Northwest](#)
- [West Lafayette](#)

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission](#)
- [U.S. Department of Education Civil Rights Laws](#)
- [U.S. Department of Justice, Americans with Disabilities Act](#)
- [U.S. Department of Labor Office of Federal Contractor Compliance Programs](#)
- [U.S. Equal Employment Opportunity Commission](#)

WEBSITE ADDRESS FOR THIS POLICY

HISTORY AND UPDATES

April 21, 2025: Clarified that good faith reports are not considered false if unsubstantiated. Updated links and references.

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand the previous language. Noted exclusion for issues addressed under the policy on Title IX Harassment. Updated definitions of Mandatory Reporters and Sexual Harassment. Updated links in Related Documents, Forms and Tools section.

September 12, 2019: Contacts and Related Documents, Forms and Tools sections updated.

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 Antiharassment 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.

Archive
Version

APPENDIX D

Anti-Harassment (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: October 1, 2024

TABLE OF CONTENTS

[Contacts](#)

[Statement of Policy](#)

[Reason for This Policy](#)

[Individuals and Entities Affected by This Policy](#)

[Exclusions](#)

[Responsibilities](#)

[Definitions](#) (defined terms are capitalized throughout the document)

[Related Documents, Forms and Tools](#)

[Website Address for This Policy](#)

[History and Updates](#)

[Appendix](#)

CONTACTS

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<p><u>vpec@purdue.edu</u> <u>mailto:vpec@purdue.edu</u><u>www.purdue.edu/ethics</u> <u>https://www.purdue.edu/ethics</u>)</p> <p>Office address: Ernest C. Young Hall, 10th floor 155 S. Grant St. West Lafayette, IN 47907</p>
--	--------------	--

Harassment Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Office of Institutional Equity	260-481-6677	<p><u>hr@pfw.edu</u> (<u>mailto:hr@pfw.edu</u>)</p> <p><u>HR and OIE Staff</u> <u>https://www.pfw.edu/offices/human-resources/about/staff</u>)</p>
PNW Hammond Campus: Office of Institutional Equity	219-989-3169	<p><u>OIE About Us</u> (<u>https://www.pnw.edu/office-institutional-equity/about-us/</u>)</p>
PNW Westville Campus: Office of Institutional Equity	219-785-5545	<p><u>OIE About Us</u> (<u>https://www.pnw.edu/office-institutional-equity/about-us/</u>)</p>

West Lafayette: Office of Institutional Equity	765-494-7255	<u>equity@purdue.edu</u> <u>(mailto:equity@purdue.edu)</u> <u>OIE Contact Us</u> <u>(https://www.purdue.edu/oie/Contact_Us.php)</u>
--	--------------	--

Reports of Sexual Violence or Sexual Misconduct

Title/Office	Telephone	Email/Webpage

For all emergencies, dial 911.

Non-emergency reports may be made using the contacts below.

Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 139 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 <u>marcuccc@pfw.edu</u> <u>(mailto:marcuccc@pfw.edu)</u>
PNW Hammond Campus: Title IX Coordinator – Laura Odom	219-989-3169	Lawshe Hall, Room 218 2200 169 th St. Hammond, IN 46323 <u>odoml@pnw.edu</u> <u>(mailto:odoml@pnw.edu)</u>

PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 150 1401 S. U.S. Highway 421 Westville, IN 46391 <u>odoml@pnw.edu</u> (mailto:odoml@pnw.edu)
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907 <u>titleix@purdue.edu</u> (mailto:titleix@purdue.edu)
Fort Wayne: <ul style="list-style-type: none"> Police Department Office of Student Conduct and Care Student Housing Center for Healthy Living 	<ul style="list-style-type: none"> 260-481-6827 260-481-6601 260-481-4180 765-494-0111 	<ul style="list-style-type: none"> <u>police@pfw.edu</u> (mailto:police@pfw.edu) <u>scc@pfw.edu</u> (mailto:scc@pfw.edu) <u>housing@pfw.edu</u> (mailto:housing@pfw.edu) <u>CHL Appointments and Services</u> (https://www.pfw.edu/center-healthy-living/appointments-and-services)
PNW Hammond Campus: <ul style="list-style-type: none"> Police Department Office of the Dean of Students Housing Center for Healthy Living 	<ul style="list-style-type: none"> 219-989-2220 219-989-4141 219-989-4150 765-494-0111 	<ul style="list-style-type: none"> <u>University Police Department</u> (https://www.pnw.edu/public-safety/) <u>dos@pnw.edu</u> (mailto:dos@pnw.edu) <u>Housing</u> (https://www.pnw.edu/housing/) <u>Center for Healthy Living at PNW</u> (https://www.pnw.edu/center-for-healthy-living/)

PNW Westville Campus: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students 	<ul style="list-style-type: none"> • 219-785-5220 • 219-785-5230 	<p><u>(https://www.pnw.edu/health-care-facilities/)</u></p> <ul style="list-style-type: none"> • <u>University Police Department</u> (https://www.pnw.edu/public-safety/) • <u>dos@pnw.edu</u> (mailto:dos@pnw.edu)
West Lafayette: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH) 	<ul style="list-style-type: none"> • 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700 	<ul style="list-style-type: none"> • <u>police@purdue.edu</u> (mailto:police@purdue.edu) • <u>odos@purdue.edu</u> (mailto:odos@purdue.edu) • <u>housing@purdue.edu</u> (mailto:housing@purdue.edu) • <u>shc@purdue.edu</u> (mailto:shc@purdue.edu)

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 and/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** (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>), 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 where the University has initiated an investigation in the absence of a formal or informal complaint.

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.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated in an investigation or proceeding under this policy.

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 Act of 1975
- 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
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

Title IX Harassment matters are addressed under the policy on [Title IX Harassment \(III.C.4\). \(iiic4.html\)](#) and the [Procedures for Resolving Complaints of Title IX Harassment \(https://www.purdue.edu/ethics/resources/titleIX-complaints.php\)](#).

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 the 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, faculty, consultants and contractors.
- 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

- Report all incidents of Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to 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](#) (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>).

DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) ([..//glossary.html](#)) for additional defined terms.

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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Harassment

Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it 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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

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 is so severe, pervasive or objectively offensive that it 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 of, photographing, or 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 their 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 person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct 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) (iiic2.html):**
www.purdue.edu/policies/ethics/iiic2.html
- **Amorous Relationships (III.A.1) (iiia1.html):**
www.purdue.edu/policies/ethics/iiia1.html
- **Title IX Harassment (III.C.4) (iiic4.html):** [purdue.edu/policies/ethics/iiic4.html](http://www.purdue.edu/policies/ethics/iiic4.html)
- **University Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.html):
www.purdue.edu/purdue/ea_eou_statement.html

Procedures for Resolving Complaints of Discrimination and Harassment

(<https://www.purdue.edu/ethics/resources/resolving-complaints.php>):

www.purdue.edu/ethics/resources/resolving-complaints.php

Sexual Violence Awareness website (https://www.purdue.edu/sexual_assault/):

www.purdue.edu/sexual_assault/

Regulations Governing Student Conduct:

- **Fort Wayne (https://www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code):** www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code
- **Northwest (<https://www.pnw.edu/dean-of-students/policies/code-of-conduct/>):** www.pnw.edu/dean-of-students/policies/code-of-conduct/
- **West Lafayette (<https://catalog.purdue.edu/content.php?catoid=13&navoid=16335>):** catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission (<https://www.in.gov/icrc>):** www.in.gov/icrc
- **U.S. Department of Education Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>):** www2.ed.gov/about/offices/list/ocr/index.html
- **U.S. Department of Justice, Americans with Disabilities Act (<https://www.ada.gov/>):** www.ada.gov/
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs (<https://www.dol.gov/agencies/ofccp>):** www.dol.gov/agencies/ofccp
- **U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov>):** www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

[www.purdue.edu/policies/ethics/iiic1.html \(iiic1.html\)](https://www.purdue.edu/policies/ethics/iiic1.html)

HISTORY AND UPDATES

October 1, 2024: Contacts section updated.

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand the previous language. Noted exclusion for issues addressed under the policy on Title IX Harassment. Updated definitions of Mandatory Reporters and Sexual Harassment. Updated links in Related Documents, Forms and Tools section.

September 12, 2019: Contacts and Related Documents, Forms and Tools sections updated.

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.

APPENDIX E



Anti-Harassment (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: August 1, 2021

TABLE OF CONTENTS

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected by This Policy

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

CONTACTS

Policy Clarification		
Title/Office	Telephone	Email/Webpage
Vice President for Ethics and Compliance	765-494-5830	vpec@purdue.edu www.purdue.edu/ethics Office address: Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907

Harassment Complaints		
Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Institutional Equity	260-481-6677	www.pfw.edu/offices/human-resources/ethics-compliance/
PNW Hammond Campus: Office of Equity, Diversity and Inclusion	219-989-3169	www.pnw.edu/equity-diversity-inclusion/
PNW Westville Campus: Office of Equity, Diversity and Inclusion	219-785-5545	www.pnw.edu/equity-diversity-inclusion
West Lafayette: Office of Institutional Equity	765-494-7255	equity@purdue.edu www.purdue.edu/oie/index.php

Reports of Sexual Violence or Sexual Misconduct		
Title/Office	Telephone	Email/Webpage
For all emergencies, dial 911.		
Non-emergency reports may be made using the contacts below.		
Fort Wayne: Title IX Coordinator – Christine M. Marcuccilli	260-481-6107	Kettler Hall, Room 252 2101 E. Coliseum Blvd. Fort Wayne, IN 46805 marcuccc@pfw.edu
PNW Hammond Campus: Title IX Coordinator – Linda B. Knox	219-989-3169	Lawshe Hall, Room 231 2200 169 th St. Hammond, IN 46323 lbknox@pnw.edu
PNW Westville Campus: Title IX Coordinator – Laura Odom	219-785-5545	Schwarz Hall, Room 25 1401 S. U.S. Highway 421 Westville, IN 46391 odoml@pnw.edu
West Lafayette: Title IX Coordinator – Christina Wright	765-494-7255	Ernest C. Young Hall, 10 th floor 155 S. Grant St. West Lafayette, IN 47907 titleix@purdue.edu
Fort Wayne: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • Student Housing • Health and Wellness Clinic 	<ul style="list-style-type: none"> • 260-481-6827 • 260-481-6601 • 260-481-4180 • 260-481-5748 	<ul style="list-style-type: none"> • www.pfw.edu/police/ • www.pfw.edu/offices/dean-of-students.html • www.pfw.edu/housing/ • www.pfw.edu/clinic/

Reports of Sexual Violence or Sexual Misconduct		
PNW Hammond Campus: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • Housing • Community Care Network Health Clinic 	<ul style="list-style-type: none"> • 219-989-2220 • 219-989-4141 • 219-989-4150 • 219-989-1235 	<ul style="list-style-type: none"> • www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/housing/ • www.pnw.edu/health-care-facilities/
PNW Westville Campus: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • LaPorte Physician Network 	<ul style="list-style-type: none"> • 219-785-5220 • 219-785-5230 • 219-304-6100 	<ul style="list-style-type: none"> • www.pnw.edu/public-safety/ • www.pnw.edu/dean-of-students • www.pnw.edu/health-care-facilities/
West Lafayette: <ul style="list-style-type: none"> • Police Department • Office of the Dean of Students • University Residences • Student Health Center (PUSH) 	<ul style="list-style-type: none"> • 765-494-8221 • 765-494-1747 • 765-494-1000 • 765-494-1700 	<ul style="list-style-type: none"> • www.purdue.edu/ehps/police/ • www.purdue.edu/odos/ • www.housing.purdue.edu/ • www.purdue.edu/push/

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 and/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 where the University has initiated an investigation in the absence of a formal or informal complaint.

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.

False Allegations, Statements and Evidence

This policy may not be used to bring charges against any faculty, staff, students or Recognized Student Organizations, including fraternities, sororities and/or cooperatives, in bad faith. 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. In addition, individuals who, in bad faith, provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated in an investigation or proceeding under this policy.

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 Act of 1975
- 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
- Uniformed Services Employment and Reemployment Rights Act of 1994
- VEVRAA, Section 4212
- Jeanne Clery Act, as amended by the Violence Against Women Reauthorization Act of 2013

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

Title IX Harassment matters are addressed under the policy on [Title IX Harassment \(III.C.4\)](#) and the [Procedures for Resolving Complaints of Title IX Harassment](#).

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 the 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, faculty, consultants and contractors.
- 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

- Report all incidents of Harassment or Retaliation directly to the campus Title IX Coordinator or Equal Opportunity Officer.
- Take immediate steps in accordance with University policy and procedure to respond to 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. Refer to the central [Policy Glossary](#) for additional defined terms.

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 where someone who has power or authority within the University over another person engages in a sexual relationship with that person.

Harassment

Conduct towards another person or identifiable group of persons that is so severe, pervasive or objectively offensive that it 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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

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 is so severe, pervasive or objectively offensive that it 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 of, photographing, or 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 their 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 person by telephone, mail, electronic communication, social media, in person, or by any other action, device or method when such conduct 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/iiic2.html)
www.purdue.edu/policies/ethics/iiic2.html
- [Amorous Relationships \(III.A.1\):](http://www.purdue.edu/policies/ethics/iiia1.html) www.purdue.edu/policies/ethics/iiia1.html
- [Title IX Harassment \(III.C.4\):](http://www.purdue.edu/policies/ethics/iiic4.html) www.purdue.edu/policies/ethics/iiic4.html
- [University Nondiscrimination Policy Statement:](http://www.purdue.edu/purdue/ea_eou_statement.html)
www.purdue.edu/purdue/ea_eou_statement.html

[Procedures for Resolving Complaints of Discrimination and Harassment:](http://www.purdue.edu/ethics/resources/resolving-complaints.php)
www.purdue.edu/ethics/resources/resolving-complaints.php

[Sexual Violence Awareness website:](http://www.purdue.edu/sexual_assault/) www.purdue.edu/sexual_assault/

Regulations Governing Student Conduct:

- [Fort Wayne:](http://www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code)
www.pfw.edu/committees/senate/code/?_ga=2.94649308.1951212460.1567775697-2036197937.1567775697#Code

- [Northwest](http://www.pnw.edu/dean-of-students/policies/code-of-conduct/): www.pnw.edu/dean-of-students/policies/code-of-conduct/
- [West Lafayette](http://catalog.purdue.edu/content.php?catoid=13&navoid=16335): catalog.purdue.edu/content.php?catoid=13&navoid=16335

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission](http://www.in.gov/icrc): www.in.gov/icrc
- [U.S. Department of Education Office for Civil Rights](http://www2.ed.gov/about/offices/list/ocr/index.html):
www2.ed.gov/about/offices/list/ocr/index.html
- [U.S. Department of Justice, Americans with Disabilities Act](http://www.ada.gov/): www.ada.gov/
- [U.S. Department of Labor Office of Federal Contractor Compliance Programs](http://www.dol.gov/agencies/ofccp):
www.dol.gov/agencies/ofccp
- [U.S. Equal Employment Opportunity Commission](http://www.eeoc.gov): www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

www.purdue.edu/policies/ethics/iiic1.html

HISTORY AND UPDATES

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand the previous language. Noted exclusion for issues addressed under the policy on Title IX Harassment. Updated definitions of Mandatory Reporters and Sexual Harassment. Updated links in Related Documents, Forms and Tools section.

September 12, 2019: Contacts and Related Documents, Forms and Tools sections updated.

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 Antiharassment 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.

APPENDIX F

Equal Opportunity and Equal Access (III.C.2)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: President

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: December 22, 2010

Date Last Revised: April 21, 2025

Table of Contents

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

Contacts

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)</u> <u>www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u>
--	--------------	--

Discrimination Complaints

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6107	<u>hr@pfw.edu</u> <u>(mailto:hr@pfw.edu)</u> <u>HR and OCRC Staff</u> <u>(https://www.pfw.edu/offices/human-resources/about/staff)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-3169	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-785-5545	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Office for Civil Rights or Associate Vice President for Compliance	765-494-7255 or 765-496-3158	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u> <u>compliance@purdue.edu</u> <u>(mailto:compliance@purdue.edu)</u>

Reasonable Accommodations

Title/Office	Telephone	Email/Webpage
Fort Wayne: Office for Civil Rights Compliance	260-481-6840	<u>hr@pfw.edu</u> <u>(mailto:hr@pfw.edu)</u>
PNW Hammond Campus: Office for Civil Rights	219-989-2163	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
PNW Westville Campus: Office for Civil Rights	219-989-2163	<u>civilrights@pnw.edu</u> <u>(mailto:civilrights@pnw.edu)</u>
West Lafayette: Human Resources	765-494-1679	<u>hr@purdue.edu</u> <u>(mailto:hr@purdue.edu)</u>

Academic Adjustments and Auxiliary Aids and Services

Title/Office	Telephone	Email/Webpage

Fort Wayne: Disability Access Center or Office of Student Conduct and Care	260-481- 6657 or 260-481- 6601	<u>dac@pfw.edu</u> (mailto:dac@pfw.edu) <u>scc@pfw.edu</u> (mailto:scc@pfw.edu)
PNW Hammond Campus: PNW Accessibility Center	219-989- 2455	<u>pac@pnw.edu</u> (mailto:pac@pnw.edu)
PNW Westville Campus: PNW Accessibility Center	219-989- 2455	<u>pac@pnw.edu</u> (mailto:pac@pnw.edu)

West Lafayette: Disability Resource Center or Office of the Dean of Students	765-494-1247 or 765-494-1747	drc@purdue.edu (mailto:drc@purdue.edu) www.purdue.edu/drc (https://www.purdue.edu/drc) www.purdue.edu/odos (https://www.purdue.edu/odos)
--	------------------------------	---

ADA Coordinators

Title/Office	Telephone	Email/Webpage
Fort Wayne: Benefits Administrator	260-481-6096	hr@pfw.edu (mailto:hr@pfw.edu)
PNW Hammond Campus: Associate Director, Office for Civil Rights	219-989-2163	civilrights@pnw.edu (mailto:civilrights@pnw.edu)
PNW Westville Campus: Associate Director, Office for Civil Rights	219-989-2163	civilrights@pnw.edu (mailto:civilrights@pnw.edu)

West Lafayette: Associate Vice President for Civil Rights	765-494-7255	<u>ocr@purdue.edu</u> <u>(mailto:ocr@purdue.edu)</u>
--	--------------	---

Statement of Policy

Purdue University is committed to maintaining an inclusive community that recognizes and values the inherent worth and dignity of every person; fosters tolerance, sensitivity, understanding and mutual respect among its members; and encourages individuals to strive to reach their own potential. The University believes that intellectual and cultural diversity among its many members strengthens the institution, stimulates creativity, promotes the exchange of ideas and enriches campus life.

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

Purdue University does not condone and will not tolerate Discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. Purdue University promulgates policies and programs to ensure that all persons have equal access to its employment opportunities and educational programs, services and activities. The principal objective of this policy is to provide fair and consistent treatment for all students and employees of the University.

Application of this Policy to Employment and Education

All aspects of the employment relationship, including recruitment, selection, hiring, training, professional development, tenure, promotion, compensation and separation, are administered in accordance with this policy. Notwithstanding the prohibition against

Discrimination, the University may, without violating this prohibition, provide different benefit packages to employees who have a spouse and/or dependent children than are provided to other employees.

Purdue University provides Reasonable Accommodations to qualified employees with disabilities.

All policies and procedures applicable to students are administered in accordance with this policy. Purdue University provides Academic Adjustments and Auxiliary Aids and Services to qualified students with disabilities in accordance with federal law.

Reporting and Addressing Discrimination

This policy seeks to encourage faculty, staff and students to report and address incidents of Discrimination. Discrimination complaints will be addressed promptly and consistently, using procedures that are fair and effective from the point of view of the person and the University, and be resolved at the lowest organizational level possible. The [Procedures for Resolving Complaints of Discrimination and Harassment](#)

(<https://www.purdue.edu/ethics/resources/resolving-complaints.html>), as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Discrimination.

Violations of this Policy

Any 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. 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.

False Allegations, Statements and Evidence

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 Discrimination in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who knowingly provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Making a good faith report of Discrimination or harassment that is not later substantiated is not considered a false statement.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Discrimination investigation or proceeding.

No Waiver

Nothing contained in this policy should be interpreted as a waiver by Purdue University of its sovereign immunity, immunity pursuant to the 11th Amendment of the U.S. Constitution or any other immunity or defense available under state or federal laws.

Reason for This Policy

As a land-grant university, Purdue University is committed to the principles of equal opportunity and equal access in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal employment opportunity is the norm rather than an aspiration.

This policy helps to further the resolution of the Board of Trustees and to ensure the University's compliance with state and federal laws and regulations, including but not limited to:

- Age Discrimination Act of 1975
- Age Discrimination in Employment Act of 1967
- Americans with Disabilities Act of 1990, 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

Individuals and Entities Affected

All Purdue University community members.

Exclusions

There are no exclusions to this policy.

Responsibilities

President of Purdue University

- Overall responsibility for the successful implementation of Purdue University's equal opportunity and equal access policies.

Chancellors

- Establish goals and action-oriented programs that integrate equal opportunity and equal access principles and objectives into all decisions concerning employees and students on his or her campus.
- Appoint an EO Officer and an ADA Coordinator for their campus.

Vice President for Ethics and Compliance

- Serve as Purdue University's equal opportunity officer.
- Develop system-wide policies pertaining to equal opportunity and equal access in cooperation with other University officers.
- Issue and update Procedures for Resolving Complaints of Discrimination and Harassment.
- Coordinate the resolution of all Discrimination complaints filed with external agencies, and oversee and coordinate internal Discrimination grievance procedures in consultation with University officers, Chancellors and legal counsel.

Vice President for Human Resources

- Ensure equal employment opportunity and equal access concepts are included in University personnel policies and procedures and that recruitment and hiring practices and training programs follow those same concepts where applicable.
- Provide guidance and support to University offices or departments in the exercise of their equal employment opportunity and equal access responsibilities.

Vice Provost and Vice Chancellors for Student Life/Affairs

- Ensure equal opportunity and equal access concepts are included in the policies, procedures, programs, services and activities of the University concerning students.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Establish goals and action-oriented programs within their units that integrate equal opportunity and equal access principles and objectives into all decisions within their areas of responsibility.

- Review recommendations for hiring, compensation, promotion, transfer, reassignment and termination, and review the qualifications of applicants and reasons given for selection to ensure compliance with the University's equal opportunity and equal access in policies in both procedure and outcome (or designate responsibility for such).

Associate Vice President for Compliance

- Provide technical assistance to Regional Campus EO Officers.

Associate Vice President for Civil Rights

- Provide technical assistance to Regional Campus EO/AA Officers.
- Serve as a resource to and coordinator of systemwide equal employment opportunity and equal access activities and programs.
- Serve as the campus liaison with federal and state enforcement agencies and community action groups and as the ADA Coordinator for the West Lafayette campus.
- Serve as the Title IX Coordinator for the West Lafayette campus.
- At the West Lafayette campus, develop policies, procedures and programs related to equal employment opportunity and equal access in coordination with other University offices; assist individual units with the development, implementation and oversight of their equal employment opportunity and equal access programs; and develop internal monitoring and reporting systems.

EO Officers at the Fort Wayne and Northwest Campuses

- Develop, implement and monitor their campus's equal employment opportunity and equal access programs and coordinate these efforts with the Associate Vice President for Civil Rights and/or the Associate Vice President for Compliance as necessary.
- Serve as the Title IX Coordinator for their respective campuses.

Department Heads, Directors and Supervisors

- Promote equal employment opportunity.

All Units

- Include equal employment opportunity and equal access efforts and results in evaluations of administrators and supervisors.

Mandatory Reporters

- Report all incidents of Discrimination, harassment or retaliation directly to the campus Title IX Coordinator or EO Officer.

Individuals Who Believe They Have Experienced or Witnessed Discrimination

- Report the incident as described in the [Procedures for Resolving Complaints of Discrimination and Harassment](#) (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>).

Definitions

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) ([..//glossary.html](#)) for additional defined terms.

Academic Adjustments

An academic modification or adjustment that minimizes or eliminates the impact of a disability, allowing the individual to gain equal access and have an equal opportunity to participate in the University's courses, programs, services, activities and facilities.

ADA Coordinator

The Americans with Disabilities Act Coordinator.

Auxiliary Aids and Services

A wide range of services and devices that enable persons with disabilities to have an equal opportunity to participate in, and enjoy the benefits of, Purdue University's programs and activities.

Discrimination

The process of illegally differentiating between people on the basis of group membership rather than individual merit. *Systemic discrimination* may occur when unequal treatment results from neutral institutional practices that continue the effect of past discrimination. *Individual discrimination* may result when a person is subjected to unequal treatment on the basis 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.

EO Officer

Equal Opportunity Officer.

Mandatory Reporter

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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

Reasonable Accommodations

A wide range of modifications that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of a position. Such modifications may be deemed reasonable if they do not result in an undue burden on Purdue University or its operations.

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.

Related Documents, Forms and Tools

Board of Trustees resolution dated December 18, 2010

Policies, Standards and Operating Procedures:

- [Anti-Harassment \(III.C.1\) \(iiic1.html\)](#)
- [Electronic Information, Communication and Technology Accessibility \(S-5\) \(../information-technology/s5.html\)](#)
- [Limited English Proficiency \(S-25\) \(s25.html\)](#)
- [Nondiscrimination Policy Statement \(https://www.purdue.edu/purdue/ea_eou_statement.php\)](#)
- [Operating Procedures for Service Animals on Campus \(https://www.purdue.edu/ethics/resources/service-animals-on-campus.php\)](#)
- [Procedures for Requesting and Implementing Curricular Accommodations \(https://www.purdue.edu/ethics/resources/curricular_accommodations.php\)](#)
- [Procedures for Requesting and Implementing Student Life Accommodations \(https://www.purdue.edu/ethics/resources/Student%20Life%20.php\)](#)
- [Procedures for Resolving Complaints of Discrimination and Harassment \(https://www.purdue.edu/ethics/resources/resolving-complaints.php\)](#)
- [Title IX Harassment \(III.C.4\) \(iiic4.html\)](#)
- [Human Resources Accommodation Request Process \(https://www.purdue.edu/hr/ADA/accommodation-request-process.php\)](#)
- [Disability Resource Center Student Accommodations and Services \(https://www.purdue.edu/drc/students/accommodations-services.php\)](#)

[University Title IX website \(https://www.purdue.edu/vpec/ocr/title-ix/\)](#)

Websites for governing bodies with oversight for applicable laws and regulations:

- [Indiana Civil Rights Commission \(https://www.in.gov/icrc\)](#)
- [U.S. Department of Education Office Civil Rights Laws \(https://www.ed.gov/laws-and-policy/civil-rights-laws\)](#)
- [U.S. Department of Justice, Americans with Disabilities Act \(https://www.ada.gov/\)](#)

- **U.S. Department of Labor Office of Federal Contractor Compliance Programs** (<https://www.dol.gov/agencies/ofccp>)
- **U.S. Equal Employment Opportunity Commission** (<https://www.eeoc.gov>)

Website Address for This Policy

[www.purdue.edu/policies/ethics/iiic2.html \(iiic2.html\)](https://www.purdue.edu/policies/ethics/iiic2.html)

History and Updates

April 21, 2025: Removed references to affirmative action. Clarified that good faith reports are not considered false if unsubstantiated. Updated titles, links and references.

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand on the previous language. Removed responsibility for serving as systemwide Title IX Coordinator from the VPEC. Updated definition of Mandatory Reporters. Updated links in Related Documents, Forms and Tools section.

July 1, 2018: Contacts section updated.

August 1, 2017: Reference to same-sex domestic partners removed in compliance with Board of Trustees resolution from December 19, 2015.

July 1, 2016: Minor updates to policy, mainly to Contacts section.

June 1 2015: Policy formatted into new template. Responsibilities added for Director of Compliance, Mandatory Reporters and individuals who believe they have experienced or witnessed discrimination. Executive Director of the Office of Institutional Equity named as West Lafayette Title IX Coordinator and VPEC named as system Title IX Coordinator. Definition of Retaliation updated. Contacts and hyperlinks updated.

April 27, 2012: Contacts section updated.

November 18, 2011: Policy number changed to III.C.2 (formerly X.2.2) and website address updated.

May 27, 2011: Contacts section updated.

May 1, 2011: This policy supersedes Equal Opportunity, Equal Access and Affirmation Action, Interim (X.2.2) dated December 22, 2010.

December 22, 2010: This policy supersedes the Reaffirmation of University Policy on Equal Employment Opportunity and Affirmative Action (Executive Memorandum No. D-1) dated January 8, 2001, and December 31, 2002. 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.

APPENDIX G

Equal Opportunity, Equal Access and Affirmative Action (III.C.2)

Volume III: Ethics

Chapter C: Equal Opportunity

Responsible Executive: President

Responsible Office: Office of the Vice President for Ethics and Compliance

Date Issued: December 22, 2010

Date Last Revised: August 1, 2021

TABLE OF CONTENTS

Contacts

Statement of Policy

Reason for This Policy

Individuals and Entities Affected by This Policy

Exclusions

Responsibilities

Definitions (defined terms are capitalized throughout the document)

Related Documents, Forms and Tools

Website Address for This Policy

History and Updates

Appendix

CONTACTS

Policy Clarification

Title/Office	Telephone	Email/Webpage

Vice President for Ethics and Compliance	765-494-5830	<u>vpec@purdue.edu</u> <u>(mailto:vpec@purdue.edu)www.purdue.edu/ethics</u> <u>(https://www.purdue.edu/ethics)</u>
--	--------------	---

Discrimination Complaints and Requests to Inspect Written Affirmative Action Program

Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Institutional Equity	260-481-6677	<u>https://www.pfw.edu/offices/human-resources/Institutional-Equity-and-Title-IX/</u> (<u>https://www.pfw.edu/offices/human-resources/Institutional-Equity-and-Title-IX/</u>)
PNW Hammond Campus: Office of Equity, Diversity and Inclusion	219-989-2337	<u>www.pnw.edu/equity-diversity-inclusion</u> <u>(https://www.pnw.edu/equity-diversity-inclusion)</u>

PNW Westville Campus: Office of Equity, Diversity and Inclusion	219-785- 5545	<u>www.pnw.edu/equity-diversity-inclusion</u> <u>(https://www.pnw.edu/equity-diversity-inclusion)</u>
West Lafayette: Office of Institutional Equity or Director of Compliance	765-494- 7255 or 765-496- 3158	<u>equity@purdue.edu</u> <u>(mailto:equity@purdue.edu)www.purdue.edu/oie/index.php</u> <u>(https://www.purdue.edu/oie/index.php)compliance@purdue.edu</u>

Reasonable Accommodations

Title/Office	Telephone	Email/Webpage
Fort Wayne: Human Resources and Institutional Equity	260-481-6840	<u>www.pfw.edu/hr/</u> <u>(https://www.pfw.edu/hr/)</u>

PNW Hammond Campus: Office of Equity, Diversity and Inclusion	219-989-2163	<u>www.pnw.edu/equity-diversity-inclusion/</u> <u>(https://www.pnw.edu/equity-diversity-inclusion/)</u>
PNW Westville Campus: Office of Equity, Diversity and Inclusion	219-785-5545	<u>www.pnw.edu/equity-diversity-inclusion/</u> <u>(https://www.pnw.edu/equity-diversity-inclusion/)</u>
West Lafayette: Human Resources	765-494-1679	<u>www.purdue.edu/hr</u> <u>https://www.purdue.edu/hr</u>

Academic Adjustments and Auxiliary Aids and Services

Title/Office	Telephone	Email/Webpage

Fort Wayne: Services for Students with Disabilities or Dean of Students	260-481-6657 or 260-481-6601	<u>www.pfw.edu/ssd/</u> <u>(https://www.pfw.edu/ssd/)</u> <u>www.pfw.edu/offices/dean-of-students/index.html</u>
PNW Hammond Campus: Disability Access Center	219-989-2455	<u>www.pnw.edu/disability-access-center/</u> <u>(https://www.pnw.edu/disability-access-center/)</u>
PNW Westville Campus: Disability Access Center	219-785-5374	<u>www.pnw.edu/disability-access-center/</u> <u>(https://www.pnw.edu/disability-access-center/)</u>

West Lafayette: Disability Resource Center or Office of the Dean of Students	765-494-1247 or 765-494-1747	<u>drc@purdue.edu</u> <u>(mailto:drc@purdue.edu)www.purdue.edu/drc</u> <u>(https://www.purdue.edu/drc)www.purdue.edu/odos/</u> <u>(https://www.purdue.edu/odos/)</u>
--	------------------------------------	---

ADA Coordinators

Title/Office	Telephone	Email/Webpage
Fort Wayne: Benefits Administrator	260-481-6096	<u>www.pfw.edu/hr/</u> (<u>https://www.pfw.edu/hr/</u>)
PNW Hammond Campus: Associate Director, Office of Equity, Diversity and Inclusion	219-989-2163	<u>www.pnw.edu/equity-diversity-inclusion/</u> <u>https://www.pnw.edu/equity-diversity-inclusion/</u>

PNW Westville Campus: Associate Director, Office of Equity, Diversity and Inclusion	219-785- 5545	<u>www.pnw.edu/equity-diversity-inclusion/</u> <u>(https://www.pnw.edu/equity-diversity-inclusion/)</u>
West Lafayette: Director of the Office of Institutional Equity	765-494- 7255	<u>equity@purdue.edu</u> <u>mailto:equity@purdue.edu</u> <u>www.purdue.edu/oie/index.php</u> <u>https://www.purdue.edu/oie/index.php</u>

STATEMENT OF POLICY

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

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

Purdue University does not condone and will not tolerate Discrimination against any individual on the basis of race, religion, color, sex, age, national origin or ancestry, genetic information, disability, status as a veteran, marital status, parental status, sexual orientation, gender identity or gender expression. Purdue University promulgates policies and programs to ensure that all persons have equal access to its employment opportunities and educational programs, services and activities. The principal objective of this policy is to provide fair and consistent treatment for all students and employees of the University. Purdue is committed to increasing the recruitment, selection and promotion of faculty and staff at the University who are racial or ethnic minorities, women, persons with disabilities and veterans. The University also is committed to policies and programs that increase the diversity of the student body.

Application of this Policy to Employment and Education

All aspects of the employment relationship, including recruitment, selection, hiring, training, professional development, tenure, promotion, compensation and separation, are administered in accordance with this policy. Notwithstanding the prohibition against Discrimination, the University may, without violating this prohibition, provide different benefit packages to employees who have a spouse and/or dependent children than are provided to other employees.

Purdue University provides Reasonable Accommodations to qualified employees with disabilities. It also promotes the full realization of equal employment opportunity through a comprehensive affirmative action program applying to all units.

All policies and procedures applicable to students are administered in accordance with this policy. Purdue University provides Academic Adjustments and Auxiliary Aids and Services to qualified students with disabilities in accordance with federal law.

Reporting and Addressing Discrimination

This policy seeks to encourage faculty, staff and students to report and address incidents of Discrimination. Discrimination complaints will be addressed promptly and consistently, using procedures that are fair and effective from the point of view of the person and the

University, and be resolved at the lowest organizational level possible. The **Procedures for Resolving Complaints of Discrimination and Harassment** (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>), as issued and updated from time to time by the Vice President for Ethics and Compliance, describe the necessary steps for filing complaints of Discrimination.

Affirmative Action Programs

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

Violations of this Policy

Any 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. 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.

False Allegations, Statements and Evidence

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 Discrimination in bad faith or any person who, in bad faith, is found to have encouraged another person or group to bring such a charge. In addition, individuals who knowingly provide false statements or evidence, or who deliberately mislead a University official conducting an investigation under this policy may be subject to discipline under this policy or another University policy or process.

Retaliation Prohibited

The University prohibits Retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Discrimination investigation or proceeding.

No Waiver

Nothing contained in this policy should be interpreted as a waiver by Purdue University of its sovereign immunity, immunity pursuant to the 11th Amendment of the U.S. Constitution or any other immunity or defense available under state or federal laws.

REASON FOR THIS POLICY

As a land-grant university, Purdue University is committed to the principles of affirmative action and equal opportunity in education and employment. We take seriously our responsibility to provide leadership in ensuring that equal employment opportunity is the norm rather than an aspiration.

This policy helps to further the resolution of the Board of Trustees and to ensure the University's compliance with state and federal laws and regulations, including but not limited to:

- Age Discrimination Act of 1975
- 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

INDIVIDUALS AND ENTITIES AFFECTED BY THIS POLICY

All Purdue University community members.

EXCLUSIONS

There are no exclusions to this policy.

RESPONSIBILITIES

President of Purdue University

- Overall responsibility for the successful implementation of Purdue University's equal opportunity, equal access and affirmative action policies.

Chancellors

- Establish goals and action-oriented programs that integrate equal opportunity, equal access and affirmative action principles and objectives into all decisions concerning employees and students on his or her campus.
- Appoint an EO/AA Officer and an ADA Coordinator for their campus.

Vice President for Ethics and Compliance

- Serve as Purdue University's equal opportunity officer.
- Develop system-wide policies pertaining to equal opportunity, equal access and affirmative action in cooperation with other University officers.

- Issue and update Procedures for Resolving Complaints of Discrimination and Harassment.
- Coordinate the resolution of all Discrimination complaints filed with external agencies, and oversee and coordinate internal Discrimination grievance procedures in consultation with University officers, Chancellors and legal counsel.

Vice President for Human Resources

- Ensure equal employment opportunity, equal access and affirmative action concepts are included in University personnel policies and procedures and that recruitment and hiring practices and training programs follow those same concepts where applicable.
- Provide guidance and support to University offices or departments in the exercise of their equal employment opportunity, equal access and affirmative action responsibilities.

Vice Provost and Vice Chancellors for Student Life/Affairs

- Ensure equal opportunity and equal access concepts are included in the policies, procedures, programs, services and activities of the University concerning students.

Vice Presidents, Vice Chancellors, Vice Provosts and Deans

- Establish goals and action-oriented programs within their units that integrate equal opportunity, equal access and affirmative action principles and objectives into all decisions within their areas of responsibility.
- Review recommendations for hiring, compensation, promotion, transfer, reassignment and termination for compliance with the University's affirmative action program in both procedure and outcome, and review the qualifications of applicants and reasons for selection to ensure that minorities, women, persons with disabilities and veterans are given full opportunities for hire and promotion (or designate responsibility for such).

Director of Compliance

- Develop and disseminate affirmative action data.

- Provide technical assistance to Regional Campus EO/AA Officers.
- Serve as a resource to and coordinator of systemwide affirmative action activities and programs.
- At the West Lafayette campus, develop programs related to affirmative action in coordination with other University offices; assist individual units with the development, implementation and oversight of their affirmative action programs for academic and nonacademic employees; develop internal monitoring and reporting systems; and perform required analyses of affirmative action data.

Director of the Office of Institutional Equity

- Provide technical assistance to Regional Campus EO/AA Officers.
- Serve as a resource to and coordinator of systemwide equal employment opportunity and equal access activities and programs.
- Serve as the campus liaison with federal and state enforcement agencies and community action groups and as the ADA Coordinator for the West Lafayette campus.
- Serve as the Title IX Coordinator for the West Lafayette campus.
- At the West Lafayette campus, develop policies, procedures and programs related to equal employment opportunity and equal access in coordination with other University offices; assist individual units with the development, implementation and oversight of their equal employment opportunity and equal access programs; and develop internal monitoring and reporting systems.

EO/AA Officers at the Fort Wayne, Hammond and Westville Campuses

- Develop, implement and monitor their campus's equal employment opportunity, equal access and affirmative action programs and coordinate these efforts with the Director of the Office of Institutional Equity and/or the Director of Compliance as necessary.
- Serve as the Title IX Coordinator for their respective campuses.

Department Heads, Directors and Supervisors

- Promote equal employment opportunity and make good faith efforts to achieve affirmative action goals.

All Units

- Include equal employment opportunity, equal access and affirmative action efforts and results in evaluations of administrators and supervisors.

Mandatory Reporters

- Report all incidents of Discrimination, harassment or retaliation directly to the campus Title IX Coordinator or EO/AA Officer.

Individuals Who Believe They Have Experienced or Witnessed Discrimination

- Report the incident as described in the [Procedures for Resolving Complaints of Discrimination and Harassment](#) (<https://www.purdue.edu/ethics/resources/resolving-complaints.html>).

DEFINITIONS

All defined terms are capitalized throughout the document. Refer to the central [Policy Glossary](#) ([..//glossary.html](#)) for additional defined terms.

Academic Adjustments

An academic modification or adjustment that minimizes or eliminates the impact of a disability, allowing the individual to gain equal access and have an equal opportunity to participate in the University's courses, programs, services, activities and facilities.

ADA Coordinator

The Americans with Disabilities Act Coordinator.

Auxiliary Aids and Services

A wide range of services and devices that enable persons with disabilities to have an equal opportunity to participate in, and enjoy the benefits of, Purdue University's programs and activities.

Discrimination

The process of illegally differentiating between people on the basis of group membership rather than individual merit. *Systemic discrimination* may occur when unequal treatment results from neutral institutional practices that continue the effect of past discrimination. *Individual discrimination* may result when a person is subjected to unequal treatment on the basis 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.

EO/AA Officer

Equal Opportunity/Affirmative Action Officer.

Mandatory Reporter

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 employees in supervisory or management roles, and other staff who have authority and responsibility to initiate corrective measures on behalf of the University.

Reasonable Accommodations

A wide range of modifications that allow otherwise qualified applicants or employees with disabilities to perform the essential functions of a position. Such modifications may be deemed reasonable if they do not result in an undue burden on Purdue University or its operations.

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.

RELATED DOCUMENTS, FORMS AND TOOLS

Board of Trustees resolution dated December 18, 2010

Policies, Standards and Operating Procedures:

- **Anti-Harassment (III.C.1) (iiic1.html)**: www.purdue.edu/policies/ethics/iiic1.html
- **Electronic Information, Communication and Technology Accessibility (S-5) (../information-technology/s5.html)**: www.purdue.edu/policies/information-technology/s5.html
- **Nondiscrimination Policy Statement**
(https://www.purdue.edu/purdue/ea_eou_statement.php):
[purdue.edu/purdue/ea_eou_statement.php](http://www.purdue.edu/purdue/ea_eou_statement.php)
- **Operating Procedures for Service Animals on Campus**
(<https://www.purdue.edu/ethics/resources/service-animals-on-campus.php>):
www.purdue.edu/ethics/resources/service-animals-on-campus.php
- **Procedures for Requesting and Implementing Curricular Accommodations**
(https://www.purdue.edu/ethics/resources/curricular_accommodations.php):
www.purdue.edu/ethics/resources/curricular_accommodations.php
- **Procedures for Requesting and Implementing Student Life Accommodations**
(<https://www.purdue.edu/ethics/resources/Student%20Life%20.php>):
[https://www.purdue.edu/ethics/resources/Student%20Life%20.php](http://www.purdue.edu/ethics/resources/Student%20Life%20.php)
- **Procedures for Resolving Complaints of Discrimination and Harassment**
(<https://www.purdue.edu/ethics/resources/resolving-complaints.php>):
[purdue.edu/ethics/resources/resolving-complaints.php](http://www.purdue.edu/ethics/resources/resolving-complaints.php)
- **Title IX Harassment (III.C.4) (iiic4.html)**: www.purdue.edu/policies/ethics/iiic4.html
- **Human Resources Accommodation Request Process**
(<https://www.purdue.edu/hr/ADA/accommodation-request-process.php>):
[https://www.purdue.edu/hr/ADA/accommodation-request-process.php](http://www.purdue.edu/hr/ADA/accommodation-request-process.php)
- **Disability Resource Center Student Accommodations and Services**
(<https://www.purdue.edu/drc/students/accommodations-services.php>):
[https://www.purdue.edu/drc/students/accommodations-services.php](http://www.purdue.edu/drc/students/accommodations-services.php)

University Title IX website (<https://www.purdue.edu/titleix/index.php>):

www.purdue.edu/titleix/index.php

Websites for governing bodies with oversight for applicable laws and regulations:

- **Indiana Civil Rights Commission (<https://www.in.gov/icrc>):** www.in.gov/icrc
- **U.S. Department of Education Office for Civil Rights (<https://www2.ed.gov/about/offices/list/ocr/index.html>):**
www2.ed.gov/about/offices/list/ocr/index.html
- **U.S. Department of Justice, Americans with Disabilities Act (<https://www.ada.gov/>):** www.ada.gov/
- **U.S. Department of Labor Office of Federal Contractor Compliance Programs (<https://www.dol.gov/agencies/ofccp>):** www.dol.gov/agencies/ofccp
- **U.S. Equal Employment Opportunity Commission (<https://www.eeoc.gov>):**
www.eeoc.gov

WEBSITE ADDRESS FOR THIS POLICY

[www.purdue.edu/policies/ethics/iiic2.html \(iiic2.html\)](https://www.purdue.edu/policies/ethics/iiic2.html)

HISTORY AND UPDATES

August 1, 2021: Interim status removed.

August 14, 2020: Updated Contacts section. Added new sections to Statement of Policy on (1) False Allegations, Statements and Evidence and (2) Retaliation Prohibited that expand on the previous language. Removed responsibility for serving as systemwide Title IX Coordinator from the VPEC. Updated definition of Mandatory Reporters. Updated links in Related Documents, Forms and Tools section.

July 1, 2018: Contacts section updated.

August 1, 2017: Reference to same-sex domestic partners removed in compliance with Board of Trustees resolution from December 19, 2015.

July 1, 2016: Minor updates to policy, mainly to Contacts section.

June 1 2015: Policy formatted into new template. Responsibilities added for Director of Compliance, Mandatory Reporters and individuals who believe they have experienced or witnessed discrimination. Executive Director of the Office of Institutional Equity named as West Lafayette Title IX Coordinator and VPEC named as system Title IX Coordinator. Definition of Retaliation updated. Contacts and hyperlinks updated.

April 27, 2012: Contacts section updated.

November 18, 2011: Policy number changed to III.C.2 (formerly X.2.2) and website address updated.

May 27, 2011: Contacts section updated.

May 1, 2011: This policy supersedes Equal Opportunity, Equal Access and Affirmation Action, Interim (X.2.2) dated December 22, 2010.

December 22, 2010: This policy supersedes the Reaffirmation of University Policy on Equal Employment Opportunity and Affirmative Action (Executive Memorandum No. D-1) dated January 8, 2001, and December 31, 2002. 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.



EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

University of Southern Indiana (USI)
Revised Date of Submission – September 10, 2025

You may utilize Appendices, but everything should be submitted in one document. Do not simply link to materials on websites that then must be accessed by the Commission to find information. Even if website links are included, hard copies of information must be included in your submission.

Introduction

An institution is welcome to submit a brief introduction to their submission. For institutions with multiple campuses/locations (including regional campuses), there must be an indication of whether the report is for an individual campus/location or an entire system.

Founded in 1965, the University of Southern Indiana (USI) enrolls nearly 9,500 dual credit, undergraduate and graduate students in more than 130 areas of study. A public higher education institution, located on a beautiful 1,400-acre campus in Evansville, Indiana, USI offers programs through the College of Liberal Arts, Romain College of Business, Kinney College of Nursing and Health Professions, Pott College of Science, Engineering, and Education, and School of Graduate Studies.

USI is a Carnegie Foundation Community Engaged University and offers continuing education and special programs to more than 15,000 participants annually through Outreach and Engagement. The University offers study-abroad opportunities in more than 60 countries and hosts international students from around the globe.

A competitive member of NCAA Division I and the Ohio Valley Conference, USI offers 19 varsity intercollegiate men's and women's sports.

As you will see, USI considers freedom of inquiry and discussion essential to a student's educational development. Through open discussion of ideas and exchange of opinions, one can become informed and can test and give expression to values as they relate to issues concerning oneself and society.

Definition of Antisemitism

Indiana Executive Order 25-39 states, “The Commission shall use the definition of antisemitism adopted on May 26, 2016, but the International Holocaust Remembrance Alliance (“IHRA”) for the purposes of this report.”

See definition:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and

religious facilities.” <https://holocaustremembrance.com/resources/working-definition-antisemitism>

For additional context, the U.S. Department of State website offers the following illustrations of antisemitism, among others:

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. **However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic.** Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.

Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g., gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust)
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.”

<https://www.state.gov/defining-antisemitism/#:~:text=Antisemitic%20discrimination%20is%20the%20denial,is%20illegal%20in%20many%20countries>.

- *Share your institution’s definition of antisemitism and the effective date.*

The University of Southern Indiana accepts the IHRA definition of antisemitism as noted above as of the date of this report.

- *If the definition was changed on or after March 13, 2025, share your institution's previous definition and effective date, or note that no definition previously existed.*

A previous definition did not exist at USI.

- *Indicate whether the institution's definition matches the IHRA's definition. If not, explain why.*

Again, we agree with the IHRA definition.

Policy Related to Antisemitic Actions and Speech

- *Share your institution's policy on antisemitic actions and speech and the effective date.*

While USI does not have a specific policy on antisemitic actions, we did adopt guiding principles about Freedom of Expression as early as 2015 that were derived from the recently adopted Chicago Principles which were created by a University of Chicago committee.

The policy resides in our University Handbook-F.11 Statement on Freedom of Expression. Here is the current language:

F.11 Statement on Freedom of Expression

Date

1/25

The University of Southern Indiana considers freedom of inquiry and discussion essential to a student's educational development. Through open discussion of ideas and exchange of opinions, one can become informed and can test and give expression to values as they relate to issues concerning oneself and society.

The ideas of different members of the University community will often and quite naturally conflict. But it is not the proper role of the University to attempt to shield individuals from ideas and opinions they find unwelcome, disagreeable, or even deeply offensive. Although the University greatly values civility, and although all members of the University community share in the responsibility for maintaining a climate of mutual respect, concerns about civility and mutual respect can never be used as a justification for closing off discussion of ideas, however offensive or disagreeable those ideas may be to some members of our community.

The freedom to debate and discuss the merits of competing ideas does not, of course, mean that individuals may say whatever they wish, wherever they wish. The University may restrict expression that violates the law, constitutes a false and defamatory communication against a specific individual, constitutes a genuine threat of unlawful harassment, unjustifiably invades substantial privacy or confidentiality interests or that is otherwise directly incompatible with the

functioning of the University. In addition, the University may reasonably regulate the time, place, and manner of expression to ensure that it does not disrupt the ordinary activities of the University. But these are narrow exceptions to the general principle of freedom of expression, and it is vitally important that these exceptions never be used in a manner that is inconsistent with the University's commitment to a completely free and open discussion of ideas.

In a word, the University's fundamental commitment is to the principle that debate and deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

As a corollary to the University's commitment to protect and promote free expression, members of the University community must also act in conformity with the principle of free expression. Although members of the University community are free to criticize and contest the views expressed on campus, and to criticize and contest speakers who are invited to express their views on campus, they may not obstruct or otherwise interfere with the freedom of others to express views they reject or even loathe. To this end, the University has a solemn responsibility not only to promote a lively and fearless freedom of debate and deliberation, but also to protect that freedom when others attempt to restrict it.

Much of this statement was originally drafted and adopted by the University of Chicago.

Free Speech, Peaceful Dissent, Protests and Demonstrations Rights and Responsibilities

In accordance with the University of Southern Indiana's obligation to promote the free expression of all views, the campus is open to any speaker whom University student organizations, administrators, staff, or faculty members have invited and for whom official arrangements to speak have been made with the University.

The right of free speech at the University also includes the right of individuals and groups affiliated with the University and members of the public not affiliated with the University to participate in acts of peaceful dissent, protests in peaceable assembly and orderly demonstrations on the USI campus. However, the University may regulate the time, place and manner in order to prevent unreasonable interference or disruption of the University's educational, research, outreach and business functions, normal or scheduled uses of University property by the campus community, as well as protecting public health, safety and welfare.

All individuals and groups affiliated with the University and planning to engage in dissent, protest, petitioning or demonstration activities of the sort described in the previous paragraph should contact the Dean of Students Office for details and to reserve space at least 24-business hours in advance. This allows the University the opportunity to provide space that accommodates the reasonable needs of both those engaged in dissent, protest, petitioning or demonstration activities and the University community. Members of the public not affiliated with

the University must register with the Dean of Students Office prior to engaging in dissent, protest, petitioning or demonstration activities on the USI campus.

The following locations on the USI campus accommodate the reasonable needs of the University and are available for dissent, protest, petitioning or demonstration activities by members of the public, individuals and groups affiliated with USI and guests:

- the lawn area south of Rice Library
- the lawn in the northwest corner of the quad

In addition, other areas of the University campus may be utilized for dissent, protest, or demonstration activities if they meet the following general conditions of use:

- Activities may not be conducted in a manner that violates any federal, state or local law.
- Activities may not be conducted in a manner at a time or in a place that is either incompatible with or unreasonably interferes with the educational, research, business or other legitimate functions of the University.
- Activities may not be conducted in a manner that violates the rules, regulations, or policies of the University of Southern Indiana including *Student Rights and Responsibilities: A Code of Student Behavior* (Sections 1.2 C. 10 and C.11).
- Activities may not be conducted in a manner that violates applicable fire or safety regulations.
- Activities may not disrupt academic activity, block egress (i.e., block safe access to exits and entrances, hallways, sidewalks, streets etc.) or pose a threat to the personal safety of community members.

Violations of these policies may result in removal from a location or the USI campus, appropriate disciplinary action, and/or arrest, in accordance with applicable law and University policies and procedures.

The University of Southern Indiana, as a public institution, does not endorse or take any position on or action against individuals or groups engaged in dissent, protest, or demonstration activities based on the content of their message. <https://handbook.usi.edu/statement-on-freedom-of-expression>

- *If the policy was changed on or after March 13, 2025, share your institution's previous policy and effective date, or note that no policy previously existed.*

While our handbook policy has been slightly revised over time (e.g., to update locations due to construction constraints), the spirit of it has not been altered over the past decade.

Acts of Antisemitism and Institutional Responses

Share details pertaining to each act of antisemitism since October 7, 2023, including:

- *Date;*
- *A description of the act with name(s) of involved individuals redacted;*
- *An indication whether the involved individuals were enrolled or employed at the institution at the time of the act;*

- A description of the institutional response; and
- A notation of the antisemitism definition and/or policy (and effective date) used to (a) determine the act was antisemitism and (b) inform the institution's response.

While we do not believe that we have acts that rise to the definitional label of antisemitism, we did have a demonstration on campus on April 30, 2024. The event was civil and peaceful and did follow the guidelines set out in our policy above. While the event was organized in support of Palestine, there were Israeli supporters at the event as well.

An article from the USI student publication, The Shield, chronicled the event. It is important to note The Shield “is a designated public forum, which means it is free from administrative control. Students are responsible for all reporting, writing, photography, editing, designing, and ad sales.” <https://usishield.com/about-the-shield/>



Students, community members participate in protest supporting Palestine

Alyssa DeWig, Editor-in-Chief

April 30, 2024



Photo by Peyton Peters

A Veterans For Peace, Palestine and American flag fly at the protest in support of Palestine Tuesday in front of the David L. Rice Library. (Photo by Peyton Peters)

Students, faculty and community members gathered to protest in support of Palestine Tuesday from 1-3:40 p.m. outside the David L. Rice Library. A post was made to the USI 2025 private story on Snapchat Sunday announcing the protest.

Madalyn Cottrell, junior theatre major, said the protest started as a “random idea” through connections with a student at Indiana University Bloomington. Cottrell said IU had previously organized a social justice group called Students of Color in Evansville, and the student at IU who created this organization helped provide information for the planning of USI’s protest.

Cottrell said the protest was also created to support a Palestinian student. She said she wanted to show him support and that there are people on campus who also support Gaza.



Students hold flags and handmade signs during the protest in support of Palestine Tuesday in front of the David L. Rice Library.

She said she wants other students on campus to know the protest was “not a pro-terrorism protest.”

“I feel like that’s a really easy hole to fall into if you don’t have a lot of education about what’s going on in the Middle East,” she said. “Ultimately, the biggest thing I want people to take away is that we want ceasefire. We want peace in Gaza. We want the dying to stop, we want the violence to stop, and we want the violence to other students to stop. I’m really upset about what’s going on at IU.”

IU’s campus has undergone [several protests](#) involving the [arrests of students](#) for participation.

Cottrell said she has a close friend who attends IU. “It’s starting to affect people who are stepping up and saying something, and I just want it all to stop,” Cottrell said. “It’s not a moment, it’s the movement, and everything matters.”

Anden West, freshman exercise science major, said he also has friends who attend IU and has seen videos of protests online.

“It’s freedom of speech. As long as there’s no violence, no antisemitic, no anti-muslim rhetoric, then it’s fine.”

— ***Victor Henderson, junior history major***

He said students have “every right” to protest, as long as they are not breaking any property laws.

“I think as long as you keep this peaceful and not have people punch each other, then we’ll be fine,” said Victor Henderson, junior history major. Henderson said he has been reading about the protests at Columbia University, and that is why he attended the USI protest.



Students display homemade signs criticizing other colleges and supporting Palestine at the protest Tuesday in front of the David L. Rice Library.

“I just wanted to see if anything happened to that extent,” Henderson said. He said USI’s protest was mostly peaceful and not as bad as he thought it would be.

“It hasn’t been as bad as some of the schools I’ve seen,” he said.

Rosalie Moffett, assistant professor of English, attended the protest to show support.

“I felt that it was a good act of solidarity to be there as a faculty member and show my support for both the students that we have here at USI and also for students around the country,” Moffett said.

Moffett said she has seen gruesome and violent videos of brave students across the country trying to make their voices heard.

She said students standing up for what they believe in is an admirable act.

“There is ample evidence that not only is there a genocidal intent, but there’s active and imminent famine,” Moffett said. “There’s the deaths of thousands upon thousands of innocent people, and I think if you’re opposed to that kind of

indiscriminate killing, then calling for a ceasefire is, again, just a role within a principled stance.”

Moffett said many people are experiencing ongoing events in Gaza through on-the-ground livestreams and photographs on social media.

She said it is hard to see the logic in the argument that students should not be participating in protests because the history of protests in America is a rich tradition showcasing values and how occupying private property can be a way to bring change.

“If you think back to the sit-ins at diners for civil rights, that’s a direct echo,” Moffett said.

A student who wished to stay anonymous out of fear of administration retaliation said they did not organize the protest, but other students on campus did. “Students, people from the city, they are here to share their opinion and disagreements with the way the government does deal with the catastrophes unfolding,” they said.

“

Just as we have the right to voice our opinions, even if I don’t agree with someone else’s stance on something, I also understand that they have a right to advocate for what they believe in.”

— ***Madalyn Cottrell, junior theatre major***

They said seeing the protest supported them emotionally after seeing their family in Gaza “suffer for over 200 days.”

“It feels heartwarming to be covered with the community’s love and the message that all humans are equal,” they said.

They said it also supports them to see students initiating the event. “Knowing the history of the United States and sitting here, knowing the history of civil rights movements, and all that was started by students,” they said.

They said students who disagree with the protest in support of Palestine have the “full right” to their opinions.

“

But what I don't want to happen is hate to be charged, is racism to be justified, and for the genocide to be justified because, at the end of the day, I can only hope that everybody wants the same thing, regardless of where you stand on the spectrum, we just want peace, and we want our government, local, and on a nationwide scale, to listen to us.”

— ***Madalyn Cottrell, junior theatre major***

“I mean, this is not a totalitarian country, and indeed, it's a civilian right,” they said. “However, opposing, is it referring to opposing it by having an opposing opinion, or is it attempting to stop any sort of activism by students? That should be the question.”

Other students also said others have the right to their opinions.

“Just as we have the right to voice our opinions, even if I don't agree with someone else's stance on something, I also understand that they have a right to advocate for what they believe in,” Cottrell said. “That is a basic American foundation. I support the right to free speech. But what I don't want to happen is hate to be charged, is racism to be justified, and for the genocide to be justified because, at the end of the day, I can only hope that everybody wants the same thing, regardless of where you stand on the spectrum, we just want peace, and we want our government, local, and on a nationwide scale, to listen to us.”

Henderson said he thought the protest was fair and equally represented, seeing people representing Palestine and Israel.

“God bless America, and God save Israel.”

— ***Victor Henderson, junior history major***

“It's freedom of speech,” he said. “As long as there's no violence, no antisemitic, no anti-muslim rhetoric, then it's fine. But if there is violence, that's whenever things should definitely be controlled. Because I don't want to see blood on campus. We never want to see violence.”

Henderson said he was “very impressed” with the students supporting both Palestine and Israel and said they were “very tame.”

A student who wished to stay anonymous out of fear of administration retaliation said they also appreciated the support of Public Safety officers present at the protest. “It feels that the Public Safety here for the students in the first place, and that is very lovely,” they said.

Guy Finkelstein, junior computer science major, is from Israel and attended the protest “just to show them we are here.” “Nothing more than that,” Finkelstein said. “We wanted to see what they were doing.”

A student who wished to stay anonymous out of fear of administration retaliation said there have been alerts sent out to Gaza from the war between Israel and Palestine. “We have a lot of organizations, such as Genocide Watch, issuing an alert about what’s happening back home.” The student said Gaza looks different because of the war. “I’ve seen photos, I’ve seen videos coming out of that area,” they said. “I can’t even recognize it anymore.” The student said Gaza is a historic city. “The old city of Gaza, which is now destroyed, it’s full of historic sites and over thousands of years old, and I don’t think it had any military presence whatsoever,” they said. “I want you to just close your eyes. You totally have nothing to do with any action whatsoever, any of these political parties, and all of a sudden, your house and your family are facing a great threat.”

The student said contributing to USI, keeping their grades up and staying in touch with their family is a tribute to their family.

“Even just showing up to small things like this, even if you don’t choose to participate in the movement or in the protests, just showing up, listening to our voices, hearing us, I think that’s okay, as well.”

— Madalyn Cottrell, junior theatre major

The student said following the protest, they would like a ceasefire put in place. “All I want is peace, tranquility and justice for all people, no matter what their religion or race or any affiliation they have, just a place for all,” they said. Cottrell said others who are unaware of the war between Israel and Palestine should do research on it.

“I don’t want to sit here and justify ignorance, but there is only so much that someone can do, and I feel like the bare minimum is just educating yourself on

what's happening, regardless of where you stand," she said. "Even just showing up to small things like this, even if you don't choose to participate in the movement or in the protests, just showing up, listening to our voices, hearing us, I think that's okay, as well. I'm choosing differently. I want to be in there. I don't want to get messy and get arrested, but I'm not afraid to voice my opinion, and I don't think other students should, either."

About the Contributor



Alyssa DeWig, News Editor

Alyssa DeWig, junior journalism major, was the News Editor for the 2022-2023 academic year. DeWig joined The Shield in March 2022 as a Staff Writer and was promoted to News Editor in August 2022. She also served as Lead Editor of The Shield's COVID-19 Publication Committee for the 2023 special-edition magazine, "Unmasked." DeWig was chosen as the 2023-2024 Editor-in-Chief. DeWig was the 2020 Psychology Club vice president and 2021 Psychology Club co-president. DeWig enjoys reading, listening to music and spending time with the Shieldsters. She likes "Gilmore Girls" and "Friends." "Working for The Shield has given me experience in writing and editing," DeWig said. "It's also allowed me to meet some of my favorite people."

<https://usishield.com/42570/breaking-news/students-community-members-participate-in-protest-supporting-palestine/>

Additionally, the University of Southern Indiana is committed to upholding the law and doing what is right for our community. The University Handbook is very clear on equal opportunity and non-discrimination.

Policy F.3 Equal Opportunity and Non-Discrimination Policy is available [here](#). The relevant excerpts include:

This Policy prohibits all forms of unlawful Discrimination and related Harassment toward any University community member on the basis of race, color, religion, sex, pregnancy or marital status, parental status, national origin or ancestry, age (40 and older), disability, genetic information, sexual orientation, gender identity, gender expression, veteran status or any other category protected by law or identified by the University as a protected class. Compliance with this Policy is a term and condition of a person's employment, membership, or affiliation with the University of Southern Indiana.

Definitions of Prohibited Conduct

Discrimination is the process of illegally differentiating between people on the basis of group membership rather than individual merit. Systemic discrimination may occur when unequal treatment results from neutral institutional practices that continue the effect of past discrimination. Individual discrimination may result when a person is 1 | Last Updated 05/01/2025 subjected to unequal treatment on the basis of race, religion, color, sex, age (40 and older), national origin or ancestry, genetic information, disability, veteran status, pregnancy or marital status, parental status, sexual orientation, gender identity, or gender expression.

Conclusion

An institution is welcome to submit a brief conclusion to their submission.

In conclusion, USI's mission is the following:

USI is an engaged learning community committed to exceptional education. We exist to provide an educated citizenry that can engage in a civil manner within a community with divergent ideas and cultural differences. We prepare our students to lead and make positive contributions to our state, their communities, and to be lifetime learners in a diverse and global society.

We strive to foster respect and care for one another and welcome all to our institution.

We fundamentally believe in freedom of inquiry and discussion. Again, an excerpt of the original Chicago Principles makes this point:

In a word, the University's fundamental commitment is to the principle that debate, and deliberation may not be suppressed because the ideas put forth are thought by some or even by most members of the University community to be offensive, unwise, immoral or wrong-headed. It is for the individual members of the University community, not for the University as an institution, to make those judgments for themselves, and to act on those judgments not by seeking to suppress speech, but by openly and vigorously contesting the ideas that they oppose. Indeed, fostering the ability of members of the University community to engage in such debate and deliberation in an effective and responsible manner is an essential part of the University's educational mission.

EO 25-39: ENSURING STUDENT SAFETY AT STATE EDUCATIONAL INSTITUTIONS

Vincennes University

June 30, 2025

Introduction

The following policies are in place at Vincennes University and apply to all campuses.

Definition of *Antisemitism*

Vincennes University does not have a specific antisemitism definition. However, included in this report are two policies that operate to protect from discrimination. Vincennes University operates under a broad nondiscrimination policy and has a separate racial, ethnic, and religious harassment policy.

Policy Related to Antisemitic Actions and Speech

See Policy Regarding Non-Discrimination and Racial, Ethnic, and Religious Harassment Policy below.

Acts of Antisemitism and Institutional Responses

Vincennes University has had no reported acts of antisemitism

Policy Regarding Non-Discrimination (Location: Employee Manual C92 and <https://www.vinu.edu/nondiscrimination-policy.html>)

Vincennes University does not discriminate based on race, religion, color, national origin or ancestry, age, sex, sexual orientation, or handicap or against disabled veterans and veterans of the Vietnam Era, or other non-merit factors in its employment or educational programs or activities. Any person who believes that such discrimination has occurred in this institution should contact the Affirmative Action Officer at Vincennes University, 1002 North First Street, Welsh Administration Building, Vincennes, Indiana 47591, 812-888-5848. The AAO also hears concerns when a person believes himself or herself to be a victim of discrimination under Title IX, Section 504 and the ADA.

Vincennes University is committed to providing equal access to its educational programs, activities, and facilities to all otherwise qualified students without discrimination on the basis of race, national origin, color, creed, religion, sex, age, disability, veteran status, sexual orientation, gender identity, or any other category protected by applicable state or federal law. An Equal Opportunity employer, the College also affirms its commitment to nondiscrimination in its employment policies and practices. In compliance with Title IX (20 U.S.C Sec 1681 et seq.) Vincennes University prohibits sex discrimination, including sexual harassment.

The University will conduct its programs, services and activities consistent with applicable federal, state and local laws, regulations and order and in conformance with the procedures and

limitations as set forth in VU's Equal Opportunity, Equal Access and Affirmative Action policy which provides specific contractual rights and remedies. Additionally, the University promotes the full realization of equal employment opportunity for women, minorities, persons with disabilities, and veterans through its affirmative action program.

The University is committed to a policy of equal opportunity for all members of the University community, including, but not limited to, members of the faculty and staff, students, guests of the University, and applicants for employment and admission. In this regard, the University reaffirms the right of its students to live and learn, and its employees to teach and work, in an environment free from harassment and inappropriate and/or offensive comments or conduct.

Harassing conduct may include, but is not limited to:

- Ethnic, racial, religious, age, disability, or sex-related jokes, epithets, stereotypes or slurs.
- Foul or abusive language.
- Offensive graffiti, cartoons, or posters.
- Insulting or derogatory nicknames.
- Mimicking another.
- Starting or spreading rumors
- Teasing about religious or cultural observances, retirement, age, ability to learn, or absenteeism.
- Threatening or offensive mail, e-mail, voicemail, or messages.

The University also recognizes the fundamental importance of the open and free exchange of ideas and opinions. It recognizes that conflicts may arise between individuals' desire to express their opinions and the right of individuals to be free from harassment. The University also recognizes that every act that might be offensive to an individual or a group is not necessarily a violation of the law or of this policy.

Approved by the VU Board of Trustees at its August 29, 2007 meeting

Racial, Ethnic, and Religious Harassment Policy (Location: Employee Manual, G30 and Student Handbook)

Vincennes University expects its campus community to respect the rights and dignity of all its members in matters of personnel consideration, admissions, or academic evaluation.

Accordingly, the University expressly prohibits racial, ethnic, and religious harassment of its students, employees, and those who seek to join the campus community in any capacity.

Racial, ethnic, and religious harassment shall include, but not be limited to,

Physical, psychological, verbal, and/or written abuse with regard to race, creed, ethnic origin, or religion. (Examples would include unequal academic expectations, physical harm

or threat of such harm, written abuse on papers or records, personal verbal insults, jokes based on a person's race, ethnic origin, or religious affiliation.)

Any harassing activity (one time or multiple times) which acts to deny an individual the full rights and privileges which are inherent in living, studying, working, and visiting on the campuses of Vincennes University. Persons participating in harassing activities as defined may be subject to disciplinary action.

Anyone having a complaint of racial, ethnic, or religious harassment should notify the University Human Resources Director, the Affirmative Action Officer, or the President. The college official will follow the procedures outlined in Section G – Item G10 – “Discrimination Complaint Procedures.”