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The Duke Policy on Prohibited Discrimination, Harassment, and Related Misconduct applies to both Duke University and Duke Health and is maintained and revised by Duke’s Office for Institutional Equity.

Policy on Prohibited Discrimination, Harassment, and Related Misconduct

Contents

I.	Introduction.....	2
II.	Policy	2
III.	Jurisdiction/Scope	2
IV.	Prohibited Conduct	4
	A. Discrimination and Harassment Based on All Protected Characteristics.....	4
	B. Stalking.....	7
	C. Relationship Violence.....	7
	D. Sexual or Gender-Based Misconduct (Non-Title IX).....	7
	E. Title IX Sexual Harassment.....	8
	F. Violation of Supportive or Remedial Measures.....	9
	G. Retaliation.....	10
	H. Additional Defined Terms	10
V.	Resources and Reporting Options.....	12
	A. Confidential Resources	12
	B. Non-Confidential Reporting Options.....	13
	C. Law Enforcement.....	14
	D. Responsible Employees	15
VI.	Supportive Measures.....	16
VII.	Emergency Removal and Administrative Leave.....	17
VIII.	Timelines.....	18
IX.	Confidentiality	18
X.	Applicable Procedures	19

¹ This policy is adapted in part and replaces the *Student Sexual Misconduct Policy and Procedures: Duke’s Commitment to Title IX*.

I. Introduction

Duke University and Duke University Health System (“Duke”) are committed to encouraging and sustaining a learning and work community free from discrimination, harassment, and related misconduct. Duke is committed to maintaining an inclusive community that respects and values all of its members, including, but is not limited to, full and part-time students and employees, including faculty members, physicians, staff employees, undergraduate students, graduate and professional students, doctoral students, post-doctoral scholars and fellows, medical residents, student employees, and temporary and contract employees, including house staff, and third parties who are within Duke’s programs and activities, including applicants for admission and employment, visitors, visiting scholars, patients, employees of Duke contractors, and program participants.

The [Office for Institutional Equity \(OIE\)](#) is responsible for administering the Policy on Prohibited Discrimination, Harassment, and Related Misconduct (“Policy”) and its implementing procedures. The Vice President for Institutional Equity is Duke’s designated Coordinator for Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. The Assistant Vice President, Harassment and Discrimination Prevention and Compliance is Duke’s designated Coordinator for Title IX of the Education Amendments of 1972. These officers may be contacted at the Office for Institutional Equity, Smith Warehouse, 114 S. Buchanan Blvd., Bay 8, Durham, North Carolina 27708, [919-684-8222](tel:9196848222), oie-help@duke.edu.

II. Policy

This Policy prohibits discrimination and harassment on the basis of age, color, disability, gender, gender expression, gender identity, genetic information, national origin, race, religion, sex (including pregnancy), sexual orientation, or veteran status (collectively, “protected status” or “protected characteristics”). This prohibition includes discrimination and harassment based on the perception of an individual’s protected status, even if that perception is incorrect. The Policy also prohibits related misconduct, such as sexual assault, relationship violence, stalking, and retaliation. This Policy applies to all operations of Duke University and Duke University Health System.

The Policy should be read consistently with all applicable federal, state and local laws addressing discrimination, harassment, and related misconduct.

This Policy shall be applied in way that is consistent with Duke’s principles of academic freedom. Duke is committed to the free and vigorous discussion of ideas and issues, which Duke believes will be protected by this Policy. Academic freedom and the related freedom of expression include, but are not limited to, the civil expressions of ideas – however controversial – in the classroom, residence halls, and other teaching and student living environments.

III. Jurisdiction/Scope

The Policy applies to all members of the Duke community (including members of Duke entities and

affiliates supporting organizations and affiliates) and applies to all Prohibited Conduct that occurs on Duke property and/or during participation or attempted participation in a Duke education program or activity, whether on or off campus. Duke also retains discretion to determine that conduct that occurs off Duke property and/or outside of a Duke-related education program or activity, including off-campus or online conduct that is not part of a Duke program or activity, is within the scope of this Policy to address. In making this determination, Duke will consider the severity of the alleged conduct, the risk of ongoing harm, whether the parties are members of the Duke community, impact on Duke programs or activities, and whether off-campus conduct is part of a series of actions that occurred both on and off campus.

Members of the Duke community covered by this Policy include, but are not limited to, full and part-time students and employees of Duke University and Duke University Health System, including faculty members, physicians, staff employees, undergraduate students, graduate and professional students, doctoral students, post-doctoral scholars and fellows, medical residents, house staff, student employees, and temporary and contract employees. Members of the Duke community may also include third parties engaging in a Duke program or activity, including, but not limited to, applicants for admission and employment, visitors, visiting scholars, conference attendees, exchange students, patients, employees of Duke contractors, and program participants.

When OIE receives reports from third parties engaging in a program or activity, including, but not limited to, applicants for admission and employment, visitors, visiting scholars, conference attendees, exchange students, patients, employees of Duke contractors, and program participants, it will evaluate those reports promptly and determine the applicability of the Policy and what, if any, action is warranted. OIE retains the discretion to use any of its existing procedures and alternative resolution mechanisms to address the reported conduct and/or issues.

Some types of harassment and related misconduct may be criminal in nature and can also be reported to the [Duke University Police Department](#), 911 (emergencies), or [919-684-2444](#) (non-emergencies) or local law enforcement for incidents that occur off campus (which can also be reached by calling 911).

OIE is responsible for resolving, under the procedures referenced in this Policy, all allegations of prohibited discrimination, harassment, and related misconduct within the scope of this Policy.²

If you are a **member of the Duke community** and have a concern or question regarding this Policy or its implementing procedures, contact OIE at [919-684-8222](#), or oe-help@duke.edu. Individuals with workplace, academic, or other concerns not covered by this Policy have a number of other resources available to them. For employees (including faculty and staff within the University and all Health System employees), these may include: managers and/or human resources within their department, program, office, or school; [Staff & Labor Relations in Human Resources](#); the [the Ombuds](#); the [Faculty Hearing Committee](#)³; the [Personal Assistance Service](#); and union representatives for those in a bargaining unit. For students, this may include their advisors, administrators in their departments or schools, and the [Student Ombudsperson for the University or the Medical School](#).⁴

² Concerns about the University's application of Title IX under this Policy may be addressed to the United States Department of Education, Office for Civil Rights: ocr@ed.gov, [800-421-3481](tel:800-421-3481).

³ The Faculty Hearing Committee has jurisdiction to consider complaints from faculty and instructional staff.

⁴ The Student Ombudspersons (also confidential resources) offer students neutral and confidential guidance on a variety of issues.

If you are a **Duke applicant for employment, applicant for admission, visitor, or patient**, there are resources to assist you with your concern or question. If you are an applicant for employment, you may contact [Duke Human Resources](#) at [919-684-5600](tel:919-684-5600). If you are an applicant for admission, you may contact the admissions office of the appropriate school. If you are a patient, complaints may be referred to Duke Risk Management for a review and you may also contact Duke Patient Visitors Relations at [919-681-2020](tel:919-681-2020) (option 3). If you have concerns about possible discrimination, harassment or related misconduct under this policy, you may contact OIE at [919-684-8222](tel:919-684-8222).

Any member of the Duke community may also utilize [Duke Speak Up](#) to report concerns under the Policy or other compliance issues. You may contact Speak Up at [800-826-8109](tel:800-826-8109) to discuss your question or report your concern. The toll-free number is anonymous if you choose, and is provided 24 hours per day, 365 days per year. You may also [file a report online](#). A third-party administers this service and refers the information to the appropriate audit or compliance office for follow-up action.

Anyone can consult directly with the Office for Institutional Equity for guidance at [919-684-8222](tel:919-684-8222) or oi-help@duke.edu.

IV. Prohibited Conduct

A. Discrimination and Harassment Based on All Protected Characteristics

This Policy prohibits all of the following conduct, collectively defined as “Prohibited Conduct.”

- **Discrimination:** When an individual or group is subjected to an adverse action based upon a protected status or characteristic. Discrimination can occur under this Policy in either an employment or an educational context. Discrimination also includes failing to provide reasonable accommodations to a qualified person with a disability or failing to reasonably accommodate an employee’s religious beliefs or practices, as required by state and federal law.
- **Harassment:** Conduct based on a protected characteristic that satisfies one or more of the following:
 1. **Hostile Environment Harassment (Including Sexual Harassment):** Unwelcome conduct based on protected status that is sufficiently severe, persistent, and/or pervasive so as to significantly interfere with or alter the conditions of education, employment, or participation in a program or activity, or creates a hostile working or learning environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive.

An isolated incident, unless sufficiently severe, would not create a hostile environment. Harassment is distinguished from behavior that, even though unpleasant or disconcerting, is appropriate to the carrying out of certain instructional, advisory, or supervisory responsibilities. Harassment can include conduct that significantly interferes with the individual’s or group’s:

- educational environment (e.g., admission, academic standing, grades, assignment);
 - work environment (e.g., hiring, advancement, assignment);
 - participation in a Duke program or activity (e.g., campus housing); or
 - receipt of legitimately-requested services (e.g., disability or religious accommodations).
2. **Quid Pro Quo Harassment:** Submission to or rejection of unwelcome conduct based on protected status or characteristic as a condition of any aid, benefit, or service in employment, education, or participation in a Duke program or activity.

Protected Characteristics include the following:

- **Age:** The number of years from the date of a person’s birth. With respect to employment, individuals who are forty (40) years of age or older are protected from discrimination and harassment based on age. There is no age threshold for protection from discrimination for students or other participants in educational programs or activities.
- **Color:** An individual’s skin tone, complexion, or shade.
- **Disability:** A physical or mental impairment that substantially limits one or more major life activities. Individuals are protected from discrimination if they have such an impairment; have a record of such impairment; or are regarded as having such impairment. A qualified person with a disability must be able to perform the essential functions of the employment or volunteer position or the academic, athletic, or extra- curricular program, with or without reasonable accommodation.
- **Gender:** A socially-constructed set of expectations, roles, behaviors, and activities a given society or culture considers appropriate for individuals generally based on an individual’s sex assigned at birth.
- **Gender Expression:** The external appearance of one’s gender identity, usually expressed through behavior, clothing, haircut or voice, and which may or may not conform to socially defined behaviors and characteristics typically associated with being either masculine or feminine.
- **Gender Identity:** One’s innermost concept of self as male, female, a blend of both or neither – how individuals perceive themselves and what they call themselves. One’s gender identity can be the same as or different from their sex assigned at birth.
- **Genetic Information:** Information about (i) an individual’s genetic tests, (ii) the genetic tests of family members of such individual, and (iii) the manifestation of a disease or disorder in family members of such individual. Genetic Information includes, with respect to any individual, any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services by such individual or any family member of such individual.
- **National Origin:** An individual’s actual or perceived country or ethnicity of origin.

- **Race:** An individual’s actual or perceived racial or ethnic ancestry or physical characteristics associated with a person’s race, such as a person’s color, hair (including hair texture or hairstyle commonly associated with a particular race), facial features, height, and weight.
- **Religion:** All aspects of religious observance and practice, as well as belief.
- **Sex (Assigned at Birth):** A designation at birth (male, female, and intersex) generally based on external appearance of sex organs; includes pregnancy, childbirth, and medical conditions related to pregnancy or childbirth. Conduct of a sexual nature is by definition based on Sex as a Protected Status.
- **Sexual Orientation:** One’s sexual, romantic, physical, and/or emotional attraction (or lack of attraction) to others.
- **Veteran Status:** Covered Veterans include Disabled Veterans, Special Disabled Veterans, Veterans of the Vietnam Era, and other Protected Veterans as defined by federal and state law.

Examples of Prohibited Conduct

- Refusing to hire an applicant or admit a student applicant because of their race, religion or national origin.
- Denying an applicant membership or benefits in a student group because of their Hindu religion or because they are perceived to be from India or another country where Hinduism is commonly practiced.
- Refusing professional or learning opportunities to an individual because of their sexual orientation or gender expression is another example that may implicate the Policy. Taking an action because of one’s religious expression can also be a basis for discrimination, such as refusing professional or learning opportunities because an individual wears a hijab to work or in the classroom.
- Anti-Semitic conduct implicates the Policy and can manifest in the Duke environment in a number of ways. The International Holocaust Remembrance Alliance defines anti-Semitism as “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.” Examples of anti-Semitic conduct that implicates this Policy include:
 - Repeated instances of anti-Semitic slurs directed toward an individual, regardless of whether that individual is Jewish.
 - Refusing to allow an individual to participate in any program sponsored or hosted by Duke because they are perceived to be from Israel, is associated with a Jewish organization, wears religious attire, like a kippah, or displays a religious symbol associated with Judaism, like a Star of David.

- Defacing a Jewish employee's or student's property with a hateful symbol such as a swastika.
- Using force or intimidation to obstruct the path of an employee or student because they are Jewish, perceived to be Jewish, or supportive of Jewish institutions or organizations.
- Refusing to grant a student some expected benefit, such as a letter of recommendation, based on the perception that the student is Jewish, is associated with a Jewish organization, or because that student is perceived to be from Israel.

It is important to remember that the examples provided above can also apply to situations involving other protected characteristics, including age, color, disability, gender, gender identity, gender expression, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status. It is also important to remember that the Policy protects freedom of expression, even when controversial. When a question exists concerning whether the alleged discrimination or harassment is based in full or in part on a protected characteristic, Duke will investigate consistent with this Policy.

B. Stalking

Stalking Based on Protected Characteristic: A course of conduct (including cyberstalking) directed at a specific person, based on that person's protected status/characteristic (excluding Title IX Stalking, defined below), that would cause a reasonable person to fear for his/her/their safety or the safety of another, or to suffer substantial emotional distress.

- A course of conduct means two or more acts, including but not limited to acts in which a person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
- Substantial emotional distress means significant mental suffering or anguish.

C. Relationship Violence

Relationship Violence: A pattern of abusive behavior in a current or former intimate relationship that is used by one partner to gain or maintain power and control over another partner. Relationship violence can be sexual, emotional, economic, or psychological actions or threats of actions that influence another person. Relationship violence includes, but is not limited to, dating violence and domestic violence as defined below.

D. Sexual or Gender-Based Misconduct (Non-Title IX)

- **Sexual Assault:** Any actual or attempted sexual contact with another person without consent, including instances where the Complainant is incapable of giving consent. Sexual contact includes touching or penetration of a person's clothed or unclothed intimate body parts, by any object or body part of another, in a sexual manner or causing a person to touch or penetrate themselves or another person's body as described herein. Sexual assault can occur between individuals of the same or different sexes and/or genders. Sexual assault includes,

but is not limited to rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape as defined below.

- **Sexual Exploitation:** Taking sexual advantage of another without consent for one's benefit or the benefit of another party. This may include but is not limited to the following: threatening to disclose an individual's sexual orientation, gender identity, or gender expression unless the individual submits to sexual demands; observing or allowing others to observe sexual activity of others without their knowledge or consent; or streaming images of sexual activity without the knowledge or consent of those involved; causing the incapacitation of another person for the purpose of compromising that person's ability to give consent to sexual activity; knowingly exposing another individual to a sexually-transmitted infection without the individual's knowledge; and knowingly making a materially false representation about sexually transmitted infection, birth control, or prophylactic status with the specific intent and effect of inducing the Complainant to participate in a specific sexual act or encounter.

E. Title IX Sexual Harassment⁵

Title IX Sexual Harassment is conduct on the basis of sex that satisfies one or more of the following:

- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Duke's program or activity.
- A Duke employee (including a faculty member) conditioning the provision of an aid, benefit, or service of Duke on an individual's participation in unwelcome sexual conduct (quid pro quo).
- **Sexual Assault:** Any of the following sexual acts directed against another person, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent:
 - **Rape:** The carnal knowledge of a Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - **Sodomy:** Oral or anal sexual intercourse with another Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
 - **Sexual Assault with an Object:** To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of a Complainant, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent

⁵ The Title IX provisions of this Policy apply to conduct that reportedly occurred on or after August 14, 2020.

mental or physical incapacity;

- **Fondling:** The touching of the private body parts of Complainant for the purpose of sexual gratification, without the consent of the Complainant, including instances where the Complainant is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity;
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault can occur between individuals of the same or different sexes and/or genders.

- **Stalking:** a course of conduct on the basis of sex directed at a specific person that would cause a reasonable person to fear for his/her/their safety or the safety of another, or to suffer substantial emotional distress.
- **Domestic violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of North Carolina, or 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 North Carolina.
- **Dating violence:** Any act of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the complainant and where the existence of such a relationship is determined based on a consideration of the length, type, and frequency of interactions between the persons involved in the relationship.

F. Violation of Supportive or Remedial Measures

Violation of Supportive or Remedial Measures: Violation of directives associated with supportive or remedial measures provided to an individual in connection with this Policy.

Where a violation of Supportive Measures would constitute Prohibited Conduct under this Policy the violation will be addressed pursuant to the Policy. If the violation of Supportive Measures would not constitute Prohibited Conduct under this Policy, then such violation of Supportive Measures will be referred to the Office of Student Conduct and Community Standards, Duke Human Resources, departmental human resources, the appropriate dean, chair, or other appropriate senior administrator.

G. Retaliation

Retaliation: An adverse action or other form of negative treatment, including but not limited to intimidation, threats, coercion, discrimination or harassment, carried out in response to: a good-faith reporting of or opposition to discrimination, harassment, or related misconduct; an individual's or group's participation, including testifying or assisting in Duke's complaint process or response to a complaint; an individual's or group's refusal to participate in Duke's complaint process or response to a complaint; or other form of good faith opposition to what an individual reasonably believes to be discrimination, harassment, or related misconduct under this Policy.⁶ Individuals as defined above are also protected from retaliation for making good faith requests for accommodations on the basis of religion or disability. To be a Policy violation, the challenged actions or treatment must be sufficiently serious to discourage a reasonable person from further reporting, participation, or opposition. Charging an individual with a Policy violation for making a materially false statement in bad faith in the course of Duke's complaint process or in response to a complaint does not constitute Retaliation.

H. Additional Defined Terms

Alternative Resolution: A voluntary, non-punitive, remedies-based process that does not include an investigation or hearing. Remedies may include appropriate and reasonable educational, restorative, and accountability-focused measures as agreed to by the parties and approved by OIE. In cases where a Complainant alleges conduct that meets the definition for Title IX Sexual Harassment, a Title IX Formal Complaint is required to initiate the Alternative Resolution process. No Title IX Formal Complaint is required for the parties to have access to an Alternative Resolution process for other forms of Prohibited Conduct.

Coercion: The use of an unreasonable amount of pressure to gain sexual access. Coercion is more than an effort to persuade, entice, or attract another person to have sex. When a person decides not to participate in a particular form of sexual activity, decides to stop, or decides not to go beyond a certain sexual interaction, continued pressure can be coercive. In evaluating whether coercion was used, Duke will consider: (i) the frequency of the application of the pressure, (ii) the intensity of the pressure, (iii) the degree of isolation of the person being pressured, and (iv) the duration of the pressure.

Complainant: An individual who is alleged to have experienced Prohibited Conduct. In some situations, the conduct may be reported by someone other than the Complainant. In either case, the "Complainant" is the individual who was/is being subjected to the Prohibited Conduct, not necessarily the reporter.

Consent: An affirmative decision to engage in mutually acceptable sexual activity freely given by clear actions and/or words. Consent may not be inferred from silence, passivity, or lack of active resistance alone.

- A current or previous dating or sexual relationship is not sufficient to constitute consent, and

⁶ Good faith means that there is a reasonable belief that Prohibited Conduct occurred. There is no requirement that a matter complained of actually violate law or policy in order to have been made in good faith.

consent to one form of sexual activity does not imply consent to other forms of sexual activity.

- Consent is not freely given when the individual is incapacitated (Defined further below). Consent is not freely given when the individual is coerced into sexual activity, such as, for example, through the use of physical force, threat of physical or emotional harm, undue pressure, isolation, or confinement.
- Consent may be withdrawn at any time. Once withdrawn, sexual activity must cease.
- The perspective of a reasonable person will be the basis for determining whether a Respondent knew, or reasonably should have known, whether a Complainant was able to freely give consent and whether consent was given. Additionally, being intoxicated or incapacitated does not diminish one's responsibility to obtain consent and will not be an excuse for Prohibited Conduct.

Education Program or Activity: Includes all operations of Duke, including locations, events, and circumstances where Duke exercises substantial control, remote learning platforms, and any building owned or controlled by a student organization recognized by Duke.

Title IX Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Prohibited Conduct against a Respondent and requesting that Duke launch an investigation into the allegation of Prohibited Conduct. A Title IX Formal Complaint may be filed with OIE and/or the Title IX Coordinator in person, by mail, or by electronic mail.

Incapacitation: Incapacitation is the state of being unable to consent by making informed, deliberate decisions about whether or not to engage in sexual activity. States of incapacitation include, but are not limited to: being mentally and/or physically helpless, asleep, unconscious, intermittently conscious or unaware that sexual activity is occurring.

Alcohol or other drug use is one of the primary causes of Incapacitation. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily Incapacitated solely as a result of drinking or using drugs; the level of impairment must be significant enough to render a complainant unable to Consent.

Evaluating incapacitation requires an assessment of whether a Respondent knew or should have known of the Complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the Respondent's position. Indications that a person may be incapacitated include but are not limited to: slurred speech, unsteady walking, combativeness, emotional volatility, vomiting, and inability to dress or undress without assistance. Being impaired by alcohol or other drugs is not a defense to any violation of this Policy.

Report: Notification, either orally or in writing, and by any individual, that Prohibited Conduct is alleged to have occurred.

Respondent: The person or office, program, department, or group against whom the allegation or complaint is made; i.e., the individual(s), organizational unit(s), or group(s) who have been

reported to be the perpetrator of conduct that could constitute Prohibited Conduct.

Responsible Employee: An individual designated by the Policy who is required to report information regarding Prohibited Conduct to OIE. See §V.B below for more information about responsible employees who have knowledge of prohibited conduct.

Student: An individual enrolled in a part-time, full-time, special, associate, transfer, exchange, or any other enrollment, membership, or matriculation in or at Duke.

Official with Authority: An official of Duke with the authority to institute corrective action on behalf of Duke, and notice to whom causes Duke to respond to Title IX Sexual Harassment.

V. Resources and Reporting Options

Duke encourages all individuals to seek the support of on- and off-campus resources, regardless of when or where the incident occurred. These resources can provide guidance on reporting options and information about available resources. In general, Duke provides two ways to raise concerns about possible Prohibited Conduct, **Confidential Resources** and **Non-Confidential Reporting Options**.

A. Confidential Resources

The following Duke resources can provide counseling, information, and support in a confidential setting. These confidential resources will not share information about a report of Prohibited Conduct without the individual’s express written permission unless there is a continuing threat of serious harm to the Complainant or to others or there is a legal obligation to reveal such information (e.g., suspected abuse or neglect of a minor). These individuals can also help an individual make a Report to Duke.

Resources for Students	Resources for Employees
<p>Student Health Services https://students.duke.edu/wellness/studenthealth/ 919-681-9355 919-966-3820 (nurse advice line)</p>	<p>Personal Assistance Service https://pas.duke.edu 919-416-1727; for Duke Raleigh Hospital and Wake County based faculty/staff 800-327-2251</p>
<p>Counseling and Psychological Services https://students.duke.edu/wellness/caps/ 919-660-1000</p>	<p>The Ombuds Office https://ombuds.duke.edu/contacts/</p>
<p>Sexual Misconduct Prevention and Response https://students.duke.edu/wellness/sexual-assault-gender-violence/ GVICoordinator@duke.edu 984-569-0592 Students will be contacted within 24 hours, or sooner if necessary.</p>	

Student Ombuds or School of Medicine Student Ombuds https://ombuds.duke.edu/contacts/	
Clergy/Religious Life https://chapel.duke.edu/student-engagement/religious-life-groups	

These off-campus resources can also provide counseling, information, and support in a confidential setting to students, faculty and staff:

- Duke University Hospital Emergency Room, <https://www.dukehealth.org/locations/duke-university-hospital-emergency-room> | [919-684-2413](tel:919-684-2413)
- Durham Crisis Response Center (issues of sexual violence, relationship violence, and stalking), <https://www.durhamcrisisresponse.org/> | [919-403-6562](tel:919-403-6562) (English); [919-519-3735](tel:919-519-3735) (Spanish)
- InterAct Family Safety and Empowerment Center of Wake County, <https://interactofwake.org/> | [919-828-7740](tel:919-828-7740) (Domestic Violence); [919-828-3005](tel:919-828-3005) (Sexual Assault); [844-203-8896](tel:844-203-8896) (Spanish)
- Orange County Rape Crisis Center, <https://ocrcc.org/> | [919-968-4647](tel:919-968-4647)

Medical concerns/evidence preservation. Duke also encourages individuals to seek assistance from a medical provider or crisis response service immediately after an incident that may require medical attention or preservation of evidence. This provides the opportunity to address physical well-being or health concerns, preserve any available evidence, and begin a timely investigative and remedial response. Emotional care, counseling, and crisis response are also available on and off campus; e.g., at [Student Health Services](#) | [919-681-9355](tel:919-681-9355), or at [Duke University Hospital Emergency Room](#), [919-684-2413](tel:919-684-2413).

B. Non-Confidential Reporting Options

Individuals are encouraged to report all Prohibited Conduct, including Title IX Sexual Harassment, to OIE. Making a non-confidential report of Prohibited Conduct means that OIE will contact the Complainant to offer resources and support. OIE will also identify the appropriate action to respond to the report as outlined in this Policy. Only a report to the Title IX Coordinator (or an Official with Authority), however, will trigger Duke’s obligation to respond to an allegation of Title IX Sexual Harassment. In the case of a report of Title IX Sexual Harassment, the Title IX Coordinator or designee will contact the Complainant.

OIE oversees the investigation and resolution of all allegations of Prohibited Conduct covered by this Policy. *To discuss any aspect of the Policy, individuals are encouraged to contact:*

Kimberly Hewitt, Vice President for Institutional Equity and Chief Diversity Officer
 Smith Warehouse, Bay 8, 1st Floor

[919-684-8222](tel:919-684-8222) | kimberly.hewitt@duke.edu

For Employees, including Faculty:

Cynthia Clinton, Assistant Vice President, Harassment and Discrimination Prevention and Compliance

Title IX Coordinator

Smith Warehouse, Bay 8, 1st Floor

[919-668-6214](tel:919-668-6214) | cynthia.clinton@duke.edu

For Students:

Adrienne Allison, Title IX Coordinator for Students

Equal Opportunity Compliance Investigator

Smith Warehouse, Bay 8, 1st Floor

[919-684-1437](tel:919-684-1437) | adrienne.allison@duke.edu

For General Questions:

oie-help@duke.edu

[919-684-8222](tel:919-684-8222)

Any individual can make a report under this Policy to these individuals or any Official with Authority. In addition, many Duke faculty and staff, designated as Responsible Employees, are required to share information with OIE. A report may be made in person, in writing, by telephone, by e-mail, or anonymously. Complaints can also be made through the [Duke University Speak Up Hotline](#) | [800-826-8109](tel:800-826-8109) or the Duke Health Integrity Hotline [800-826-8109](tel:800-826-8109). Any report involving a minor will be shared with law enforcement agencies and child protective services.

Upon receipt of a report of possible Prohibited Conduct, OIE will contact the Complainant to discuss reasonable Supportive Measures to provide for the safety of the parties and the campus community and options for addressing the report.

C. Law Enforcement

Duke encourages all individuals to report Prohibited Conduct that may involve criminal conduct to the Duke University Police Department or, for incidents taking place off-campus, to the appropriate local law enforcement agency. This could include sexual violence, relationship violence, stalking, dating or domestic violence, and conduct that could be a hate crime. In cases of sexual misconduct involving a minor, members of the Duke community are required to report the situation to [Duke University Police Department](#). Duke Police can be contacted at [919-684-2444](tel:919-684-2444) (non-emergencies), or by calling 911 in emergency situations or local law enforcement for incidents that occur off-campus.

Duke Police will respond to emergencies and non-emergencies to provide assistance by intervening in cases of criminal conduct, providing transportation to the Emergency Department, taking reports of criminal conduct, and/or investigating and participating in legal or disciplinary action. They are responsible for notifying the community in a case of continuing danger, issuing

a trespass order that requires an individual to stay away from campus or a particular area of campus when needed, and providing referrals and information including how to obtain a restraining order. Criminal conduct that occurs off campus may fall under the jurisdiction of the [Durham Police Department](#) or other law enforcement agency. Students may contact the Durham Police directly (911) off campus or [919-560-4427](#) / [919-560-4609](#) or Duke Police can help facilitate reporting. Blind reporting—filing a report without one’s name attached to it—is an available option with both Duke Police and Durham Police. Regardless of whether a Complainant pursues a criminal complaint, Duke will take appropriate responsive action to ensure that the educational environment at Duke is free of harassment and to prevent the recurrence of a hostile environment, and, as appropriate, to remedy the effects of the harassment.

D. Responsible Employees

Responsible Employees are individuals who must immediately share all known information about **all forms** of possible Prohibited Conduct, **not limited to sexual misconduct**, directly with OIE. Responsible Employees include, but are not limited to, all faculty, employees with teaching or supervisory authority, and graduate students with teaching or supervisory authority (including Teaching Assistants acting in their role). Members of the Board of Trustees, the President, Vice Presidents, Deans, Directors, Department Chairs, Academic Administrators, all Athletic Department Staff (including Coaches), HR Representatives/Managers, Principal Investigators, Lab Managers, Nurse Managers, and Student Affairs professionals (including Resident Assistants acting within their role) are also Responsible Employees. Confidential Resources are not Responsible Employees.

Responsible Employees are expected to be discreet, but are **required** by Duke to promptly consult with OIE, sharing known details of the incident, by telephone, email or the OIE online reporting form. This responsibility applies even if they have directed those involved to report to OIE and even if they believe those involved have, in fact, reported the incident to OIE.

A Responsible Employee’s receipt of information will not automatically trigger an obligation to respond to an allegation of any Prohibited Conduct including Title IX Sexual Harassment. Only a report to the Title IX Coordinator or an Official with Authority will trigger Duke’s obligation to respond to an allegation of Title IX Sexual Harassment. Upon receipt of a report of possible Prohibited Conduct, OIE will consult with the Complainant to offer Supportive Measures, as addressed below, to provide for the safety of the parties and the campus community. Information that is only gathered pursuant to an IRB-approved -research project does not have to be reported to OIE subject to advance approval from OIE.

Individuals who are not required to report Prohibited Conduct to OIE as described above are nonetheless **strongly encouraged** by Duke to promptly consult with OIE. All other members of the Duke community (including students) are also encouraged to report such incidents.

If you have any question about whether you are a Responsible Employee or questions regarding your Responsible Employee duties, please promptly contact OIE for clarification.

VI. Supportive Measures

Supportive Measures are non-disciplinary, non-punitive individualized services, accommodations, and other assistance that Duke offers and may put in place, without fee or charge, after receiving actual notice of possible Prohibited Conduct. The decision to implement Supportive Measures is made by OIE⁷ based upon the information received at the time of the reported Prohibited Conduct. Supportive Measures may be adjusted as new information is obtained or as otherwise needed. Supportive Measures are designed to restore or preserve access to Duke's education programs and activities, protect the safety of all parties and Duke's educational environment, and/or deter Prohibited Conduct, while not being punitive in nature or unreasonably burdening any party.

Supportive Measures are available regardless of whether the matter is reported to Duke for the purpose of initiating any formal proceeding and before, after, and regardless of whether a Title IX Formal Complaint is filed. A Complainant who requests Supportive Measures retains the right to file a Title IX Formal Complaint, either at the time Supportive Measures are requested or at a later date. Any Complainant that requests Supportive Measures will be informed in writing of their right to simultaneously or subsequently file a Title IX Formal Complaint pursuant to this Policy.

OIE or its designee, will contact a Complainant after receiving notice of possible Prohibited Conduct (1) to discuss the availability of Supportive Measures and (2) to explain that Supportive Measures are available with or without the filing of a Title IX Formal Complaint of Prohibited Conduct.

Supportive Measures may also be requested by and made available to Respondents. OIE will ultimately serve as the point of contact for any Party requesting Supportive Measures under this Policy. OIE will determine a reasonable timeframe for application of Supportive Measures, which in most cases will be time-limited.

To determine the appropriate Supportive Measure(s) to be implemented, Duke conducts an individualized assessment based on the unique facts and circumstances of a situation. Supportive Measures are not disciplinary or punitive in nature and will not unreasonably burden, or unreasonably interfere with the professional or educational pursuits of, the other party. Whether a possible Supportive Measure would unreasonably burden the other party is a fact-specific determination by OIE that takes into account the nature of the educational programs, activities, opportunities and benefits in which an individual is participating.

Examples of Supportive Measures include:

- No contact directives (to instruct individuals to stop all attempts at communication or other interaction with one another);
- Academic support services and accommodations, including the ability to reschedule classes, exams and assignments, transfer course sections, receive extended time on assignments, or withdraw from courses without penalty;

⁷ In some situations and as deemed warranted by OIE, OIE may consult with Duke administrators in the implementation of supportive measures.

- Academic schedule modifications (typically to separate Complainant and Respondent);
- Work schedule or job assignment modifications (for Duke employment);
- Changes in work or housing location or access;
- An escort to ensure safe movement on campus;
- On-campus counseling services and/or assistance in connecting to community-based counseling services;
- Assistance in connecting to community-based medical services;
- Placing temporary limitations on an individual's access to certain Duke facilities or activities;
- Work schedule or job assignment modifications, including suspending employment with or without pay consistent with any applicable written procedures (for Duke positions);
- Information about and/or assistance with obtaining personal protection orders;
- Leaves of absences;
- Increased monitoring and security of certain areas of the campus; or
- A combination of any of these measures.

As part of this process, OIE may also refer individuals to other resources, such as Duke's Disability Management System (DMS), Counseling & Psychological Services (CAPS) or Personal Assistance Service (PAS). Duke will treat Supportive Measures as confidential and will not disclose any provided measures except as necessary to implement and maintain those measures or unless required to do so under applicable law, policy, contract, grant or other terms. For example, Duke may be required to disclose Supportive Measures to research sponsors, particularly if those measures could potentially impact ongoing sponsored research.

VII. Emergency Removal and Administrative Leave

Emergency Removal of a Student Respondent. Where there is an immediate threat to the physical health or safety of any students or other individuals arising from a report of Prohibited Conduct, Duke can remove a Student Respondent from part or all of Duke's education programs or activities and issue any necessary related no-trespass and no-contact orders.

The procedures are set forth in the Administrative Action policy under Student Conduct: <https://students.duke.edu/get-assistance/community-standard/a-z-policies/>

Administrative Leave of an Employee/Faculty Respondent. Duke may place an Employee/Faculty Respondent on administrative leave (or a student employee on leave from their employment) upon a report of Prohibited Conduct and/or during the pendency of a Title IX Formal Complaint. Duke, in its

discretion and based on the circumstances, will determine whether any administrative leave is imposed with or without pay or benefits.

VIII. Timelines

To maintain and support a community that is respectful and free from discrimination, harassment, and related misconduct, and to maximize Duke's ability to respond promptly and effectively, Duke urges individuals to come forward with reports of Prohibited Conduct as soon as possible. Complainants and other reporting individuals are encouraged to seek assistance and utilize available resources if they feel they have been subjected to Prohibited Conduct. The sooner a report is made, the more effectively it can be investigated. There is, however, no time limitation for reporting Prohibited Conduct.

In some cases, e.g., where the individual accused of misconduct is no longer affiliated with Duke, Duke may not be able to take disciplinary action.

IX. Confidentiality

Duke recognizes that confidentiality is important. Breaches of confidentiality compromise Duke's ability to investigate and resolve complaints of Prohibited Conduct. Duke will protect the confidentiality of the complaint process to the extent reasonably possible. Investigators, advisors, decision-makers, facilitators, and any others participating in the process on behalf of Duke shall keep the information obtained through the process confidential except as required to implement the Policy and/or its procedures. All other participants in the process (including the Complainant, Respondent, non-Duke advisors, and witnesses) are encouraged to respect the confidentiality of the proceedings and circumstances giving rise to the dispute and to discuss the matter only with those persons who have a genuine need to know.

While Duke is committed to respecting the confidentiality of all parties involved in the process, it cannot guarantee complete confidentiality. Examples of situations in which absolute confidentiality cannot be maintained include:

- When Duke is required by law to disclose information (such as in response to a subpoena or court order).
- When reporting relevant information to a licensing board, sponsors or granting agencies such as the National Institutes of Health (NIH) and the National Science Foundation (NSF).
- When disclosure of information is determined by OIE, Student Affairs and/or the department to be necessary for conducting an effective investigation or hearing of the complaint.
- When confidentiality concerns are outweighed by Duke's interest in protecting the safety or rights of others.
- When a Title IX Formal Complaint is filed.

- When a party properly executes a Release or Waiver and Duke deems the disclosure to be appropriate.
- When determined by OIE.

X. Applicable Procedures

OIE will review all reports of Prohibited Conduct. The procedures used to adjudicate Prohibited Conduct will vary based on the identity of the parties and the nature of the Prohibited Conduct:

- [Procedures for Responding to Discrimination and Harassment Reports Involving Student Respondents](#)
- [Procedures for Responding to Discrimination and Harassment Reports Involving Duke Faculty and Non-Faculty \(Staff\) Respondents](#)
- [Title IX Sexual Harassment Grievance Procedures](#)

Where more than one procedure may apply based on the parties and/or alleged conduct, Duke has discretion to apply the procedure that it determines is most appropriate based on the unique facts and circumstances presented by the allegations, as well as to consolidate multiple sets of allegations into a single investigation and/or adjudication. Likewise, Duke may decide to process separately allegations raised in the same report.