



KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

ANTI-HARASSMENT AND RETALIATION PROTECTION

1. Kentucky State University Policy and Procedures Related to Sexual Harassment

A. University Policy

Kentucky State University does not tolerate sexual harassment of students, faculty, and staff members and responds to every complaint, providing proper remediation when harassment is determined. Complaints of sexual harassment will be treated and investigated with full regard for the University's due process requirement.

This policy is in keeping with the University's commitment to the principle of equal educational occupational opportunities for all persons and to positive action towards the elimination of discrimination in all phases of the University life.

B. Definition

The determination of what constitutes sexual harassment will vary with the circumstances, but it may be described generally as unwanted sexual behavior, such as physical contact or verbal comments or suggestions of a sexual nature, which adversely affects the working or learning environment of an individual. Some instances of when unwelcomed sexual behavior will constitute sexual harassment are where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
2. Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individuals;
3. Such conduct substantially interferes with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment; or
4. Such conduct, actions, or statements are contrary to generally acceptable standards of behavior or professionalism.

C. Applicability

Students, faculty, and staff members have the right to raise the issue of harassment, and are protected by the Policy Manual, Student K-Book, and the Personnel Manual, whichever applicable. Sexual harassment can be a grievance action having serious and far-reaching effects on the careers and lives of individuals. False accusations can have a similar impact. Thus the charge of sexual harassment is not to be taken lightly by a charging party, a respondent, or any other member of the University community.

Prompt reporting is strongly urged, as it is often difficult to trace facts of an incident or incidents long after they have occurred. Ordinarily, complaints must be brought to the attention of an investigative officer within ninety (90) days of the incident or incidents.

Prevention is the best tool for the elimination of sexual harassment. Each dean, director, department and division chairperson, and/or administrative officer is responsible within his/her area or jurisdiction for the implementation, dissemination, and explanation of this policy. A permanent, written record of the formal complaint process and its outcome is to be retained by the respective Vice President, as line of authority indicates. It is the obligation of each student, faculty, and staff member of the University to adhere to this policy.

D. Complaint Procedures

Students, faculty, and staff members who believe they have been sexually harassed in violation of University policy should contact the Vice President (i.e. the Vice President for Academic Affairs, the Vice President for Business Affairs, the Vice President for Student Affairs, or the Director of University Relations) who has authority over the respondent.

Throughout the complaint process, every effort will be made to protect the charging party from reprisals and to protect the respondent from irresponsible complaints. The penalties for sexual harassment depend on the nature of the offense. Sanctions may range from reprimand to dismissal. Because of the sensitive and discriminatory nature of charges of sexual harassment, complaint procedures will be guided by the following principles:

1. Efforts will be made to restrict access to the investigative and grievance procedures to the charging party, the respondent, and those immediate persons involved in processing the matter.
2. The General Counsel shall serve as a resource with regards to interpretation of sexual harassment guidelines. That office will advise and consult with either or both parties to the complaint.
3. In the event of a complaint, the respective Vice President, as line of authority indicates, will conduct and/or ascertain that proper investigation and grievance procedures are followed.

4. The respective Vice President will prepare a report detailing findings of fact and conclusions therefrom. A draft of the report will be circulated to the charging party and the respondent in order to permit them the opportunity to respond before a final report is made. The final report, presenting in summary the findings and determination, will be kept by the respective Vice President and a copy of the final report will be sent to the charging party, respondent, and President of the University.
5. Investigations will be conducted as quickly as possible and results will be reported to both parties involved.
6. In the event that a complaint is found valid, action will be taken through appropriate channels of the University to rectify the situation and to ensure that such incidents do not occur in future. University grievance channels for appeal will be open to either the charging party or the respondent.

2. Entities Affected

- Student Engagement
- Office of Human Resources
- Title IX
- Office of General Counsel

3. Policy Owner/Interpreting Authority

Office of General Counsel

4. Related Policies

Title IX Policy

5. Statutory or Regulatory References