

Approved Board of Regents
April 30, 1992

**WESTERN KENTUCKY UNIVERSITY
SEXUAL HARASSMENT POLICY**

I. Policy

Western Kentucky University is firmly committed to providing a working and learning environment that is free from all forms of harassment, intimidation, and exploitation and that is respectful of free inquiry and academic freedom. It is the policy of this University, in keeping with efforts to establish an environment in which the dignity and worth of all members of the institutional community are respected, that sexual harassment in any form will not be tolerated. Violations of this policy subvert the mission of the University and threaten the careers, educational experiences, and well-being of all members of its community. The University owes its employees and students an environment devoid of harassment and one which is conducive to professional and personal growth. Therefore, management and supervisory personnel, at all levels, are responsible for taking reasonable and necessary action to prevent sexual harassment.

The University will (1) respond to every complaint of sexual harassment reported, (2) take action to provide remedies when sexual harassment is discovered, (3) impose appropriate sanctions on offenders in a case by case manner, (4) protect the privacy of all those involved in sexual harassment complaints, and (5) protect all innocent parties in cases of sexual harassment from fear of reprisals. The above actions will apply to the extent permitted by law or where personal safety is not an issue.

II. Definition

Sexual harassment of employees and students at Western Kentucky University is defined as any unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- A. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic status,
- B. submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting that individual, and
- C. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or educational experience, or creates an intimidating, hostile, or offensive work or educational environment.

Sexual harassment most often occurs in situations where one person has power over another, but it can also occur between persons of the same university status. Both men and women can be sexually harassed.

The basic point to remember is that sexual harassment is unwelcomed, unsolicited, or undesired attention of a sexual nature. It should be remembered that unwelcomeness is determined by the person at whom the behavior is directed and/or by third parties--not by one's intent. Sexual harassment is a breach of the relationship of trust that normally exists within the University community. Boundaries between the professional role and the personal relationship blur because the offender introduces an

unwelcome sexual element into what should be a sex-neutral situation.

Note: Examples of sexual harassment are (will be) clearly outlined in supporting brochures on file in the President's Office, Office of the Dean of Student Life, Affirmative Action Office, Residence Life Office, University Library, and Personnel Office.

III. Informal Complaint Procedures

Procedures for corrective action are an essential part of Western Kentucky University's effort to address sexual harassment. To this end, the University provides a variety of resources to help advise members of the University community about sexual harassment issues and procedures for resolving complaints. **Persons who are concerned that they may have experienced sexual harassment are encouraged to seek assistance by discussing the matter on an informal basis with a faculty or staff member, the Director of Residence Life, a staff member in the Affirmative Action Office, Office of the Dean of Student Life, or the Counseling Services Center before pursuing available complaint procedures listed below. The complainant may request and be granted a meeting with an employee of the same gender at any stage of the process.**

The procedures for bringing and resolving an informal complaint are outlined below. The complainant may:

Discuss the alleged violation with the Dean of Student Life or the Affirmative Action Officer (AAO). (See Chart #A.) Within five working days after receiving the complaint, this University official will take steps to resolve the complaint administratively and with confidentiality.

Complaints against students should be addressed to the Dean of Student Life whose campus office address and telephone number are listed in the campus directory under Student Life. The Dean of Student Life will hold separate preliminary discussions with the complainant and the alleged offender and will attempt to resolve the issue satisfactorily.

Complaints against faculty and staff employees or graduate assistants should be addressed to the Affirmative Action Officer whose campus office address and telephone number are listed in the campus directory under Personnel Services (Director). The Affirmative Action Officer will hold separate preliminary discussions with the complainant and the alleged offender. If necessary, the Affirmative Action Officer will report the complaint to the immediate supervisor of the alleged offender or higher level administrator up to and including the vice presidential level in an effort to resolve the issue satisfactorily.

If the complaint is unresolved, the University official will inform the complainant and the alleged offender of other procedures for processing the complaint.

-or-

Discuss the alleged violation with a supervisor of the alleged offender. (See Chart #B.) The supervisor who receives a complaint of sexual harassment is responsible for holding separate preliminary discussions with the complainant and the alleged offender. Within five working days after receiving the complaint, the supervisor will take steps to resolve the complaint administratively and with confidentiality. The supervisor will

notify the complainant and the alleged offender that information about the case is being collected. If the complaint is unresolved, the supervisor will inform the complainant and the alleged offender of other procedures for processing the complaint.

-or-

Communicate in person or in writing with the alleged offender concerning the behaviors which the complainant considers sexually harassing. (See Chart #C.) If the harassment continues, or if the complainant feels uncomfortable, for whatever reason, in contacting the alleged offender directly, the complainant should nonetheless report the harassment, using one of the other informal procedures.

IV. Formal Written Grievance

If the complaint cannot be resolved on an informal basis, the complainant or the alleged offender should file a formal written grievance with the Affirmative Action Officer or Dean of Student Life. (See Chart #D.)

An alleged offender has the right to respond to the written, formal charges made and review the materials on which the charges are based. Therefore, administrative disciplinary action in cases of sexual harassment is possible only when the complainant is willing to make a written statement describing the incident, practice, or situation.

If the **complaint against a faculty member, staff employee, or graduate assistant** cannot be resolved informally through administrative channels up to and including the vice presidential

level, the formal complaint will go before a Sexual Harassment Grievance Committee appointed by the President. The President will select the Sexual Harassment Grievance Committee from a previously established standing pool of three groups of five members each. Each group will include at least one male and one female. In order to facilitate wide representation on the committees, each will include at least one faculty member, one staff member, and one member from student or administrative affairs. All committee members must be judged by the President on a case-by-case basis to be impartial. If, for whatever reason, an individual is judged to not meet the criteria of impartiality, then the President should make an alternate peer appointment.

The Committee will thoroughly review the case brought before it and promptly deliver a written recommendation for action to the University President. The formal hearing will allow all parties to present any pertinent information. The hearing will not be considered a judicial hearing, but rather an administrative hearing at which all parties are present and may introduce any and all forms of pertinent evidence. Therefore, legal counsel will be not permitted to be present. The Committee's recommendation will be determined by a majority vote, and it may be accompanied by a minority opinion. The President will review the matter and make a final determination.

If the **complaint against a student** cannot be resolved through the informal efforts of the Dean of Student Life, the formal complaint will go before a Sexual Harassment Grievance Committee appointed by the President. The composition of this committee and the selection process are the same as described previously.

The Committee will thoroughly review the case brought before it and promptly deliver a written recommendation for action to the University President. The formal hearing will allow all parties to present any pertinent information. The hearing will not be considered a judicial hearing, but rather an administrative hearing at which all parties are present and introduce any and all forms of evidence. Therefore, legal counsel will not be permitted to be present. The Committee's recommendation will be determined by a majority vote, and it may be accompanied by a minority opinion. The President will review the matter and make a final determination.

V. Corrective Action

Corrective action will depend on the nature of the offense. It may involve counseling or stronger disciplinary action, including (but not limited to) a verbal or written reprimand, reassignment of teaching or other duties, denial of salary increases, temporary suspension (with or without pay), or termination for cause. In the case of students, several disciplinary actions may be taken, including the possibility of expulsion from the University. A complainant may choose, at any time, to pursue the matter through agencies outside the University.

VI. Recordkeeping

Any written notes, findings, recommendations, records of hearings, and records of corrective actions will be placed in the confidential files of the appropriate University official. Information will be sealed and will only be reviewed by those on a need to know basis upon approval by the University President.