



Equal Opportunity Office

EO/AA Statement

Eastern Kentucky University Sexual Harassment Policy

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Eastern Kentucky University is committed to maintaining a learning and working environment for all students, faculty, and staff that is fair and responsible and that is free of sexual harassment. Sexual harassment undermines the mission of the University and offends the integrity of the University community. It will not be tolerated.

Sexual harassment is a form of unlawful sex discrimination prohibited by both state (KRS 344) and federal (Title VII of the Civil Rights Act of 1964; Title IX of the Education Amendments) law. Additionally, federal and state law and University policy prohibit any form of retaliation against a person who files a discrimination complaint, including sexual harassment, or who participates in an investigation.

Eastern Kentucky University strictly prohibits sexual harassment by its agents, employees (faculty and staff) and students. It is the duty of all members of the University community, including faculty, staff, and students, to apply this policy and to perform their respective responsibilities under this policy in a thorough and consistent manner across all activities within and related to the University.

As an institution of higher learning, the University seeks to perform its legal responsibilities in a community that values intellectual growth, open communication and fairness among its faculty, staff, and students. This policy does not allow curtailment or censorship of constitutionally protected nor does it attempt to address conduct that does not potentially fall within this policy. The appropriate supervisor, administrator or office should address inappropriate behavior that does not potentially fall within this policy.

What is Sexual Harassment?

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- I. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; or
- II. Submission to or rejection of any such conduct by an individual is used as a basis for educational or employment decisions; or

- III. Such conduct has the result of unreasonably interfering with an individual's educational or work performance, or creating an intimidating or offensive educational or working environment.

Prohibited Conduct

Every member of the University community is prohibited from:

- Engaging in sexual harassment;
- Retaliating in any manner against any individual who complains about sexual harassment or who participates in any procedure to investigate or redress a complaint of sexual harassment; and
- Making an intentionally false allegation of sexual harassment through University channels or knowingly providing false information to or intentionally misleading University officials who are investigating a complaint of alleged sexual harassment.

Any member of the University community who engages in one of these prohibited acts against any other member of the University community shall be subject to disciplinary action and appropriate sanctions, up to and including discharge for employees and suspension for students.

Members of the University community are also advised that behavior of a sexual nature that is not sexual harassment may nonetheless be unprofessional, inappropriate or disruptive in the workplace or learning environment and could warrant appropriate corrective action and discipline.

Identifying Sexual Harassment

Sexual harassment can take many forms. The determination of what constitutes sexual harassment will vary according to the particular circumstances. Generally, sexual harassment may be described as unwelcome behavior of a sexual nature that a reasonable person would find unwelcome or unwanted and that adversely affects the working or learning environment. Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. Possible examples of inappropriate conduct under the Sexual Harassment Policy may include but are not limited to the following:

- Conditioning an employment-related action (such as hiring, promotion, salary increase or performance appraisal) on a sexual favor or relationship
- Seeking sexual favors or relationships in return for the promise of a good grade or other academic opportunity
- Unwelcome advances, propositions, invitations or demands for sexual favors
- Unwelcome physical contact, such as touching, patting, pinching, brushing, massaging a person's neck or shoulders, etc.
- Sexually explicit language or writing, in print or electronic
- Emails, text messages, electronic advertisements or other electronic media of a sexual nature
- Using audiovisual devices, including cell phones, to record or transmit nudity, sexual acts, or other material of a sexual nature without a person's knowledge or consent
- Suggestive comments about physical attributes or sexual experience
- Repeated, unwelcome requests for dates
- Displaying or distributing unwelcome or unwanted posters, pictures, words or messages of a sexual nature
- Sexual or derogatory comments about men/women on coffee mugs, hats, clothing, electronic media etc.
- Sexual questions, jokes, anecdotes and stories without a germane educational or work-

related purpose

- Sexually suggestive leering or other gestures of a sexual nature
- Physical assault, rape, and attempted rape
- Other forms of conduct of a sexual nature by individuals in positions of authority, co-workers, or students, that unreasonably interferes with the ability of a person to perform her or his employment or academic responsibilities

What Should You Do If You Experience Harassment?

- **Know your rights.** Sexual harassment is illegal and violates University policy. Become familiar with this policy.
- **Do not remain silent.** Ignoring sexual harassment does not make it go away. Being quiet enables sexual harassment to continue. You may not be the only one who has been harassed by the accused. Speaking up may prevent others from being harmed.
- **Speak up.** If you feel comfortable, speak up when a situation occurs. Do not be vague. Make it clear to the accused that the conduct is unwelcome and unwanted, violates University policy and will not be tolerated. The person engaging in the conduct may not realize a particular behavior is unwelcome and unwanted. If you do not feel comfortable approaching the accused directly, you are not required to do so.
- **Get information and support.** Seek assistance promptly within the University. Meet with the Equal Opportunity Office staff (Jones 106, (859) 622-8020) to discuss the situation and your options or report your concerns to your supervisor, instructor or any other member of the administration with whom you feel comfortable.
- **Keep records.** You can assist the University in its investigation of a complaint by writing down what happened, when it happened, and the names of any witnesses. Save any letters, e-mail, and/or notes received. Provide these items and any unwelcome or unwanted posters, pictures, images or other materials to the staff of the Equal Opportunity Office or other person to whom you report the occurrence.

What Should You Do If You Witness Harassment or if Harassment is Reported to YOU?

It is the responsibility of all students and employees to bring to the University's attention any indication of sexual harassment and to report promptly any act or event that is believed to be a violation of this policy so that the matter can be investigated promptly and appropriate corrective action taken, if warranted. Complaints or reports shall be directed to the Equal Opportunity Office, Jones Building 106, Coates CPO 37A, Richmond, Kentucky 40475-3102, (859) 622-8020.

Could the Definition of Sexual Harassment Apply to Your Own Behavior?

Our University community is comprised of individuals from differing generations, cultures and backgrounds. Behavior that is acceptable to one person may be unwelcome and unwanted to another. Additionally, the behavior may be illegal.

Regardless of intent, it is the nature, effect, and context of the behavior that determine whether the behavior is inappropriate conduct under the Sexual Harassment Policy. Please see the section of this policy titled *Identifying Sexual Harassment* for more information.

To ensure that your conduct complies with this policy:

- Become familiar with the University policy.
- Examine your own attitudes and behavior toward others.
- Ask yourself if a reasonable person might find your actions unwelcome or unwanted.
- Do not assume others will tell you if your actions are unwelcome and unwanted.

Supervisor Responsibilities

Supervisors have a responsibility to adhere to the University's Sexual Harassment Policy and report alleged incidents that they observe or of which they become aware that might violate this policy. Supervisors who do not appropriately handle reports or incidents of sexual harassment, or do not report them to the Equal Opportunity Office, will be subject to disciplinary action.

What is Retaliation?

Retaliation is any action having the effect of penalizing a person for engaging in a legally protected activity, such as alleging discrimination or harassment, making a discrimination or harassment complaint, or assisting in a discrimination or harassment investigation. The University will not retaliate, nor will it tolerate retaliation. Retaliation is prohibited by this policy.

Reporting a complaint or concern under the University's Sexual Harassment Policy does not exempt an employee from legitimate personnel action, nor does it exempt a student from an education-related action based on a legitimate justification. Complainants, respondents, witnesses and others associated with the allegation or investigation of a sexual harassment complaint are expected to comply with all University policies applicable to them and to meet all legitimate expectations related to the performance of their job duties during and after the complaint investigation.

Sexual Harassment by Third Parties

If a University employee (faculty, staff or student employee) believes that she or he has been sexually harassed within the scope of his or her employment activities by an individual who is not a University employee or student, the University employee should report the alleged sexual harassment to her or his supervisor or to the Equal Opportunity Office.

If a University student believes that she or he has been sexually harassed on campus by an individual who is not a University employee or student, the student should report the alleged sexual harassment to the Equal Opportunity Office, an instructor, chair, dean or any other member of the administration with whom the student feels comfortable.

If the University determines that a third party has sexually harassed a University student on campus or a University employee within the scope of her or his employment, the University will take corrective action. However, individuals who are not students or employees of the University are not subject to discipline under the University's internal processes.

Educational Programs and Policy Dissemination

All members of the University community are responsible for knowing and understanding the University's Sexual Harassment Policy. Faculty, staff, and students who do not understand the policy should contact the Equal Opportunity Office for assistance.

Eastern Kentucky University values professional development opportunities for its faculty and staff. Additionally, the University is committed to informing faculty, staff, and students of their rights and responsibilities as a member of the campus community. Accordingly, all members of the ECU community have access to sexual harassment training.

All non-supervisory staff and student employees are to complete the University's sexual harassment training for their respective classifications. This may be web-based or an alternative face-to-face training session provided by the Equal Opportunity Office. Please contact the Equal Opportunity Office or the Employee Development Analyst in Human Resources for more information regarding scheduling a training session.

All persons who supervise faculty, staff, and/or students are to complete the University's web-based sexual harassment training for supervisors.

Faculty without supervisory duties are to complete the University's web-based sexual harassment training for faculty.

Completing sexual harassment training is considered a vital part of an employee's professional development, and is a responsibility of each employee's job duties by virtue of expectation that each employee be familiar with applicable University policies and procedures.

Students who are not employed by the University are strongly encouraged to complete the University's web-based sexual harassment training for students.

The Equal Opportunity Office, in conjunction with Human Resources, University Counsel, Student Affairs and other appropriate offices of the University, provides a variety of educational and training programs to assist members of the University community in understanding this policy and their rights and responsibilities under it. To schedule a workshop or otherwise

arrange training on sexual harassment, contact the Equal Opportunity Office. The Equal Opportunity Office staff is also available to answer questions and to speak to classes, orientation groups, student organizations and associations on campus.

This policy is available on the Equal Opportunity Office website, and in the University's Faculty, Staff, and Student Handbooks.

Where To Go For Help

Equal Opportunity Office

Jones 106, Coates CPO 37A
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-8020 (V/TDD)

Student Health Services

Rowlett Building, Room 103
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-1761

Counseling Center

Student Services Building, Room 571
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-1303

Student Judicial Affairs

Turley House, Room 1
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-1500

Human Resources

Jones 203, Coates CPO 24A
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-5093

Student Affairs, Office of the Associate Vice President and Dean of Students

Student Services Building, Room 540
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-1500

Student Life

Powell Building, Room 128
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-3855

Campus Police

Mattox Building
521 Lancaster Avenue
Richmond, KY 40475-3102
(859) 622-2821
Emergency 911

Director of the Office for Civil Rights

U. S. Department of Education
3535 Market Street
Philadelphia, PA 19104-3326
(215) 596-6787
TDD: (215) 596-6794

U.S. Equal Employment Opportunity Commission

1801 L. Street, N.W.
Washington, D.C. 20507
(800) 669-4000

Eastern Kentucky University is an Equal Opportunity/Affirmative Action employer and educational institution and does not discriminate on the basis of age, race, color, religion, sex, sexual orientation, disability, national origin or Vietnam era or other veteran status, in the admission to, or participation in, any educational program or activity which it conducts, or in any employment policy or practice. Any complaint arising by reason of alleged discrimination should be directed to the Equal Opportunity Office of the University, Jones Building Room 106, Coates CPO 37A, (859) 622-8020, or to the Director of the Office for Civil Rights, U.S. Department of Education, Philadelphia, PA.