

# Prohibits Sexual Harassment

## Policy Against Sexual Harassment, the University of Kansas, Lawrence

Sexual harassment is a violation of professional ethics as well as a violation of federal and state law. Specifically, sexual harassment is a form of illegal discrimination in violation of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Kansas Acts Against Discrimination.

### What is sexual harassment?

Sexual harassment takes a variety of forms. Sexual harassment may include, but is not limited to, the following:

- unwelcome sexual advances or
- requests for sexual favors or
- verbal or physical conduct of a sexual nature when
  - submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
  - submission to or rejection of such conduct is used as the basis for employment or academic decisions affecting an individual; or
  - such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, or of creating an intimidating, hostile, or offensive working or educational environment.

Repeated or unwanted sexual attention or sexual advances are forms of sexual harassment. Students, faculty, or staff members should not be penalized in the evaluation of their academic or employment performance for refusing to accept unwanted sexual attention or advances as a condition for receiving awards. Sexual harassment occurs when acceptance of such attention is made a condition of reward, or of penalty, for employment or academic performance.

Sexual harassment may occur when there is a power difference between the persons involved,

as when a faculty member or supervisor exploits his or her relationship with students or subordinates.

Sexual harassment may also occur between persons of the same university status, e.g., student to student, faculty member to faculty member, staff member to staff member, or between persons of the same sex.

### Examples of sexual harassment

Examples of verbal or physical conduct that are prohibited include but are not limited to

- physical assault, including rape;
- direct or implied threats or insinuations that submission to sexual advances will be a condition of employment, work status, promotions, grades, or letters of recommendation;
- direct or subtle pressure for sexual activity;
- a pattern of conduct intended to humiliate or cause discomfort, or both, including
  - unwelcome comments of a sexual nature;
  - unwelcome sexually explicit statements, questions, jokes, gestures, or anecdotes;
  - unwelcome propositions of a sexual nature;
  - unwelcome touching, patting, hugging, or brushing against a person's body or clothing;
  - unwelcome remarks of a sexual nature, including remarks about a person's body or clothing;
  - unwelcome remarks about sexual activity;
  - showing, exposing to, or subjecting others to materials or media of a sexual nature.

### What to do about sexual harassment

Any University of Kansas, Lawrence, student or employee may initiate a complaint of sexual harassment that occurs on the university premises or at a university-sponsored activity or results from an association within the university community. Visitors and other persons attending university programs, utilizing university facilities, or participating in a university-sponsored activity may also make a sexual harassment complaint. Persons who experience such harassment should carefully document all incidents, noting dates, specific behaviors, and their effect.

The university takes all complaints seriously. To make a complaint about sexual harassment, contact the Department of Human Resources and Equal Opportunity (HR/EO), (785) 864-3686, [www.hreo.ku.edu](http://www.hreo.ku.edu).

Although you are not required to do so, if you feel comfortable, speak directly to the individual whose behavior you perceive as sexually harassing. Make it clear that you find the behavior objectionable and that it must stop. Document any such conversation and the original incident. In addition, or alternatively, contact the individual's immediate supervisor, advise them of the conduct you perceive to be sexually harassing, and ask them to intervene to resolve the problem.

Filing a false complaint of sexual harassment is considered a serious violation of policy and is subject to sanction.

### The Department of Human Resources and Equal Opportunity

Complaints regarding sexual harassment should be reported to the Department of Human Resources and Equal Opportunity, (785) 864-3686, [www.hreo.ku.edu](http://www.hreo.ku.edu). Complainants are encouraged to file their complaints within one calendar year of the most recent occurrence of the alleged harassment. HR/EO will consider complaints received after one calendar year of the alleged harassment. However, HR/EO may determine that the complaint cannot be investigated effectively due to the significant lapse of time. Upon receiving any complaint, HR/EO staff will evaluate the complaint and determine the appropriate action required.

In some cases, informal steps may be taken to resolve the problem. In other instances, the HR/EO administrator may determine that an investigation of the complaint should occur. Any investigation will be prompt and confidential and will follow the procedures for investigation set forth in the university's Discrimination Complaint Resolution Process.

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## Retaliation Prohibited

Retaliation against persons who file sexual harassment complaints is also a violation of this policy and of the law. Complainants who seek assistance as a result of this policy should not be subjected to retaliation of any kind. Retaliation can result in disciplinary action.

## Sanctions

When an individual is found to be in violation of the sexual harassment policy, the following sanctions may apply:

### Faculty, staff, and student employees

- warning
- censure
- reduction or elimination of merit salary increases
- reassignment of duties
- demotion
- suspension without pay
- dismissal

### Students

- disciplinary warning
- disciplinary probation
- suspension
- expulsion

If a respondent wishes to contest a proposed disciplinary action, he or she may request a hearing before the appropriate hearing body as determined by the respondent's position in the university. Following the hearing, any sanction will be imposed by the appropriate administrator.

## State and federal reporting of sexual harassment

Employees may file sexual harassment complaints with the Equal Employment Opportunity Commission or the Kansas Human Rights Commission. Students may file sexual harassment complaints through the Office of Civil

Rights in the U.S. Department of Education or the Kansas Human Rights Commission.

If you know someone who is being harassed you may provide important support. Encourage the person to report the harassment to HR/EO, or report the harassment to HR/EO yourself. Each individual who comes forward to stop sexual harassment improves the university community.

## Other Resources

For assistance regarding sexual harassment, you may also contact

- **Office of the Vice Provost for Student Success**, 133 Strong Hall, (785) 864-4060, [www.vpss.ku.edu](http://www.vpss.ku.edu)
- **Emily Taylor Women's Resource Center**, 400 Kansas Union, (785) 864-3552, [www.etwrc.ku.edu](http://www.etwrc.ku.edu)
- **University Ombuds Office**, 28 Carruth-O'Leary Hall, (785) 864-7261, [www2.ku.edu/~ombuds](http://www2.ku.edu/~ombuds)
- **Counseling & Psychological Services**, 2100 Watkins Memorial Health Center, (785) 864-2277, [www.caps.ku.edu](http://www.caps.ku.edu)

Inquiries regarding sexual harassment, affirmative action, gender discrimination, racial harassment, or equal opportunity on the Lawrence campus may be made to **Linda Fund, Assistant Director, Department of Human Resources and Equal Opportunity**, Carruth-O'Leary Hall, 1246 West Campus Rd., Room 101, Lawrence, KS 66045-7505, (785) 864-3686. See [www.hreo.ku.edu](http://www.hreo.ku.edu) for more information.

The Sexual Harassment Policy was approved by the Chancellor in 1982. Revisions were approved in August 1993, December 2002, and November 2007.

Produced by the KU Department of Human Resources and Equal Opportunity, the Office of the Provost and Executive Vice Chancellor, and the Office of University Relations, November 2007.