

Office of Academic Services

University Handbook, Appendix J: Policy on Gender, Policy and Procedure for Discrimination and Harassment Complaints

Policy on Gender

The goal of the Policy on Gender is to create an environment at Kansas State University in which all students, faculty, and staff interact solely on the basis of individual strengths and characteristics, without having those interactions shaped by generalizations, stereotypes, or valuations based on gender; and to encourage constructive, thoughtful, and gender-sensitive behavior.

Members of the Kansas State University community are urged to do the following:

1. Know how gender ideas and traditions affect behavior, including their own.

Each of us must understand the issues involved in how we interpret and respond to gender. We must begin by paying attention to the experiences and statistics that illuminate how women and men encounter different standards and expectations.

2. Evaluate their own ideas and behavior in this context. New sensitivity must lead to changes in thinking and behavior. Each of us should carefully examine his or her own ideas for the stereotypes and unfounded generalizations that underlie unwitting gender-biased behavior.
3. Act in ways that show respect for the individual. We must be particularly vigilant whenever we make evaluations or judgments about others. Such decisions may be informal: expecting certain behavior because of someone's gender; judging the intelligence of a speaker without listening to what is being said; determining what someone wants or needs without inquiring. Such decisions may be formal: faculty evaluations of students (grading, recommendations, advising, scholarships); evaluations of faculty and staff (merit, promotions, grants job assignments, opportunities); peer judgments (faculty and staff searches and reviews; student elections); student evaluations of faculty; staff evaluations of supervisors or administrators.
4. Actively discourage those who behave in ways that are gender-biased. We all have a responsibility for disapproving, interrupting, and disassociating ourselves from inappropriate behavior when we observe it, especially among our peers. We can create a positive environment by a clear and strong community consensus that gender-biased behavior is inappropriate and unethical.
5. Actively encourage behavior that is gender-sensitive. Gender is an important part of humanness, and we would all be impoverished by rigidly treating everyone alike. Gender can be a source of valuable talents, insights, and accomplishments, and we seek to appreciate its effect on all of us while preserving equity and fairness.

Policy and Procedure for Discrimination and Harassment Complaints

I. Policy

Kansas State University will maintain academic and work environments that are free of discrimination, racial/ethnic harassment, sexual harassment and retaliation for filing a complaint under this policy. Discrimination based on race, ethnic or national origin, sex, sexual orientation, religion, age, ancestry, disability, military status, or veteran status is prohibited. Retaliation against a person for reporting or objecting to discrimination or harassment is a violation of this policy whether or not discrimination, racial/ethnic harassment or sexual harassment occurred. Persons who violate this policy are subject to disciplinary action, up to and including dismissal from employment or expulsion from the university. Supervisors and administrators are obligated to report complaints to the Office of Affirmative Action, to keep complaints confidential, to protect the privacy of all parties involved in a complaint and to prevent or eliminate discrimination, harassment or retaliation; failure to do so is a violation of this policy. Appropriate sanctions and remedial actions will be taken. This policy is not intended

and will not be used to infringe on academic freedom, or to censor or punish students, faculty, employees, or staff who exercise their First Amendment right to express ideas and opinions on any topic.

Complaints must be filed within one year of the alleged behavior, are confidential and will not be disclosed to anyone who does not have a need to know. The university cannot guarantee complainants, respondents or witnesses absolute confidentiality because the university is obligated to investigate complaints. A responsible administrator and a representative of the Office of Affirmative Action will evaluate each complaint and, if necessary conduct a prompt, thorough and fair administrative review. The time required for reviews may vary, but the goal is to complete reviews as expeditiously as possible.

Any person who knowingly files a false complaint, or who knowingly provides false or misleading information is subject to disciplinary action. No action will be taken against an individual who makes a good faith complaint, even if the allegations are not substantiated.

II. Definitions

- A. Discrimination: In this policy, discrimination means treating an individual adversely in employment or academic decisions based on race, ethnic or national origin, sex, sexual orientation, religion, age, ancestry, disability, military status, or veteran status; or maintaining seemingly neutral policies, practices or requirements that have a negative effect on employment or academic opportunities of protected groups without a legitimate, nondiscriminatory reason for the treatment.
- B. Racial/Ethnic Harassment
 1. In this policy, racial/ethnic harassment is conduct towards a person or persons on the basis of race, ethnicity or racial affiliation that has the purpose and effect of:
 - a. Creating an intimidating, hostile, or offensive work or educational environment for the person(s), or
 - b. Unreasonably interfering with the work, academic performance, living environment, personal security, or participation in any university-sponsored activity of the person(s), or
 - c. Threatening the employment or academic opportunities of the person(s).
 2. Repeated incidents, even where each would not on its own constitute harassment, may collectively constitute harassment under this definition.
- C. Sexual Harassment
 1. In this policy, sexual harassment is unwelcome sexual advances, requests for sexual favors, disparagement of members of one sex or other verbal or physical behavior of a sexual nature when:
 - a. submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment, or participation in a university activity or program; or
 - b. submission to or rejection of such conduct is used as the basis for or as a consideration in decisions affecting that individual's employment, education, living environment or participation in a university activity or program; or
 - c. such conduct is sufficiently serious, and repeated often enough to (1) unreasonably interfere with an individual's job or educational performance, or (2) create an intimidating, hostile, offensive or abusive environment that impacts an individual's employment, education, living environment or participation in a university activity or program.
 2. Sexual harassment may occur between persons of the same or opposite sex, either as single or repeated incidents. The alleged conduct will be evaluated by considering the totality of the circumstances (the nature, frequency, intensity, location, context and duration of the alleged behavior).
- D. Retaliation: In this policy, retaliation is any attempted or completed adverse action taken without a legitimate reason against an individual because he or she has filed a complaint, opposed a policy or practice the individual believed was discriminatory or participated in the resolution of a complaint under this policy.

II. Procedure for Reviewing Complaints

Procedures for the resolution of complaints should be thorough yet expeditious. Should an administrative review be deemed necessary, both the complainant and the person against whom the complaint is brought (the respondent) will be informed of the content of the complaint and will have a full opportunity to be heard. All parties will have access to all supporting documentation and will be able to obtain information about the progress of the review at any time. The time period required for the review may vary from case to case, but all parties will be informed if an extended delay is anticipated. The Office of Affirmative Action staff member and the responsible administrator must remain impartial during the administrative review and work in concert to ensure that all involved are treated fairly.

- A. Any applicant for employment, employee, staff or faculty member, student, graduate student or participant in a university activity or program who experiences conduct that the person believes constitutes discrimination, racial/ethnic harassment, sexual harassment or retaliation should:
 1. Report the complaint to the responsible administrator in charge of the department or unit in which the conduct occurred. However, if that person's conduct is the reason for the complaint, then report the conduct to the next higher level of supervision; or
 2. Report the complaint to the Office of Affirmative Action.
- B. Students may also report the conduct of another student to the Office of Student Life. In such cases, an assistant or associate dean will be regarded as the responsible administrator.
- C. If the complaint is made to the responsible administrator, that administrator will inform the Office of Affirmative Action of the complaint. Likewise, if the complaint is made to the Office of Affirmative Action, a staff member from that office will inform the responsible administrator. After the contact is made, a staff member of the Office of Affirmative Action and the responsible administrator become the administrative review team for the complaint.
- D. The team will interview the complainant as soon as possible after the report in order to ensure that both team members hear the complaint and get sufficient information to decide how to resolve the complaint. If the team determines that the conduct, as reported, does not warrant further review under this policy, the team will notify the complainant of its decision within five (5) calendar days or as soon as possible. That notice will explain the team's decision, explain how the complainant can appeal the decision and refer the complainant to the appropriate university office, service or program which has the expertise to address the person's complaint. Time for the notice may be extended for good cause.
- E. If the complaint warrants further review, the administrative review team will accept a written complaint, or will draft a complaint based on information obtained during the interview. In the latter case, the team will ask the complainant to read and, if necessary, to revise the complaint, then sign it, and will tell the complainant that he or she is not required to sign the complaint.
- F. With or without a signed complaint, the administrative review team will :
 1. Meet with the respondent to provide a copy of the complaint, explain procedures, caution against retaliation, ask the respondent to provide an oral or written response within ten (10) calendar days, and inform the respondent that the review will proceed with or without the response;
 2. Receive, clarify and evaluate the respondent's response to the complaint, if a response is made;
 3. Interview any persons with specific knowledge of the alleged incident(s) and review relevant policies, procedures, files, documents and records; and
 4. Consider all of the information it gathered then decide whether discrimination, racial/ethnic harassment, sexual harassment or retaliation as defined in this policy has occurred.
- G. If the team determines that discrimination, harassment or retaliation did not occur, it will provide written notice of its determination to the complainant, the respondent, the provost, and the vice president or dean responsible for the department or unit. The notice will describe the steps taken to review the complaint and explain what the complainant and respondent must do to file an appeal or a grievance.
- H. If the team determines that discrimination, harassment or retaliation occurred, the team will:
 1. Recommend appropriate sanctions;
 2. Identify remedial actions to try to restore any losses suffered by persons as a result of the discrimination, harassment or retaliation, including referral for counseling by appropriately trained university personnel, when that is desired by the complainant;
 3. Determine follow-up actions to prevent further acts of discrimination, harassment or retaliation; and

4. Prepare a written notice to the complainant, the respondent, the provost, and the vice president or dean responsible for the department or unit. The notice will describe the steps taken to review the complaint, detail the recommendations for remedial actions, sanctions, referrals and follow-up and explain what the complainant and respondent must do to file an appeal or a grievance.
- I. Confidentiality and Disclosure of Information: Complaints filed under this policy are confidential and will not be disclosed to anyone who does not have a need to know. The university cannot guarantee absolute confidentiality because the University is obligated to investigate complaints. Supervisors and administrators are obligated to keep complaints confidential and protect the privacy of all parties to the extent possible consistent with preventing future acts of discrimination, harassment or retaliation, providing a remedy to persons injured and allowing respondents to reply to a complaint if any disciplinary action is anticipated. Complaint information may be disclosed to state or federal anti-discrimination agencies for investigations and during litigation.
 - J. Sanctions: Sanctions for violations of this policy will be based on the seriousness of the conduct and may range from an apology to dismissal or expulsion. (See University Handbook, Section C, subsection C161.1, Reasons for Dismissing Faculty, Article 10, Guidance and Discipline of the Kansas Personnel Regulations, or Article VI of the By_Laws to the Constitution of the K-State Student Governing Association).
 - K. Remedial Actions: Remedial actions will be taken to restore any losses. Examples of remedial actions include, but are not limited to reevaluation of a grade, an evaluation completed by someone other than the respondent, reconsideration of an application for employment, placement in a position, back pay and lost benefits, rescission of a disciplinary action, or a change of housing.
 - L. Referral: At any point during the administrative review, the team may refer either or both parties to other university offices for assistance. These offices include the [ombudspersons](#), Employee Assistance, [Employee Relations](#), [University Counseling Services](#), the [Dean of Student Life](#), [Human Resources](#), the dean or department head, [Mediation Services](#) or the [human systems consultant](#) on contract with the Office of the Provost.
 - M. Follow_up: The administrative review team report will include instructions to the responsible administrator to provide the Office of Affirmative Action with periodic written reports regarding actions taken to impose the sanctions identified in the report and to stipulate remedies and remedial actions recommended in the report. The Office of Affirmative Action will discuss the report with the responsible administrator and the complainant, and will follow through to encourage the responsible administrator to implement the appropriate actions. Reports will be added to the case file.
 - N. Appeals Beyond the Administrative Review Process: Depending on their status, parties who are not satisfied with the resolution of a complaint may file an appeal. Classified employees with permanent status may appeal to the Classified Employee Peer Review Committee. Current and former unclassified professionals and faculty may appeal to the General Grievance Board. Students may appeal to the Student Discrimination Review Committee. Graduate Students may appeal to the Dean of the Graduate School.

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