

SEXUAL HARASSMENT

PURPOSE:

To articulate the University's prohibition of sexual harassment.

APPLIES TO:

All University of Kansas staff, faculty, and students.

CAMPUS:

Edwards, Lawrence, Juniper Gardens, Parsons, Yoder, Topeka, Medical Center, Kansas City, Salina, Wichita

POLICY STATEMENT:

The University prohibits sexual harassment, which also includes sexual assault, domestic violence, dating violence, and stalking.

The University prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy or by Title IX of the Education Amendments of 1972, or because the individual has made a report or complaint of sexual harassment, or testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and related procedures.

The University prohibits individuals from making materially false and bad faith reports of sexual harassment, as well as making materially false and bad faith statements in the course of any investigation, proceeding, or hearing under this policy and related procedures.

Procedures and additional information for the Lawrence, Edwards, Parsons, Yoder, and Topeka campuses are available on the [Title IX page](#)² of the [Office of Civil Rights & Title IX](#)³ website.

Procedures and additional information specific to the Medical Center Campuses (Kansas City, Salina, and School of Medicine Wichita) are available on the [Title IX and Sexual Violence page](#)⁴ of the [Medical Center website](#)⁴.

CONTACT:

For KU Lawrence Campuses:

Office of Civil Rights & Title IX
1082 Dole Human Development Center
1000 Sunnyside Ave.
Lawrence, KS 66045
785-864-6414
civilrights@ku.edu⁵

For Medical Center Campuses:

KUMC Title IX Coordinator

KUMC Office of Compliance

Mailing: 3901 Rainbow Blvd, MS 7004

Kansas City, KS 66160

Physical: 4330 Shawnee Mission Parkway, Suite 330

Fairway, KS 66205

913-588-8011 direct line

711 TTY

nholick@kumc.edu⁶

APPROVED BY:

Chancellor

APPROVED ON:

Friday, January 1, 1982

EFFECTIVE ON:

Friday, January 1, 1982

REVIEW CYCLE:

Annual (As Needed)

RELATED STATUTES, REGULATIONS, AND/OR POLICIES:**University of Kansas Combined Notice of Nondiscrimination**

The University of Kansas prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression and genetic information in the University's programs and activities. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

Director of the Office of Civil Rights & Title IX, civilrights@ku.edu⁵, Room 1082, Dole Human Development Center, 1000 Sunnyside Avenue, Lawrence, KS, 66045, (785)864-6414, 711 TTY (for the Lawrence, Edwards, Parsons, Yoder, and Topeka campuses); Director, Equal Opportunity Office, Mail Stop 7004, 4330 Shawnee Mission Parkway, Fairway, KS 66205, (913)588-8011, 711 TTY (for the Wichita, Salina, and Kansas City, Kansas Medical Center campuses).

[KU-L Consenting Relationships Policy](#)⁷

[KUMC Relationships Policy](#)⁸

[Kansas Board of Regents Statement on Free Expression](#)⁹

RELATED PROCEDURES:

[Title IX Resolution Process \(KU Lawrence Campuses\)](#)¹⁰

[Discrimination Complaint Resolution Process \(KU Lawrence Campuses\)](#)¹¹

[Title IX Resolution Process \(Medical Center Campuses\)](#)⁴

[Discrimination Complaint Resolution Process \(Medical Center Campuses\)](#)¹²

RELATED OTHER:

[KU-L Title IX web page](#)²

[KUMC Title IX and Sexual Violence web page](#)⁴

DEFINITIONS:

Sexual Harassment: "Sexual Harassment" is conduct on the basis of sex (including sexual orientation, gender identity, and gender expression) that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

Quid Pro Quo Sexual Harassment: "Quid Pro Quo Sexual Harassment" is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

Hostile Environment Sexual Harassment: "Hostile Environment Sexual Harassment" is unwelcome conduct (including physical, visual, audible, and electronic conduct) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

Hostile Environment Sexual Harassment may include, but is not limited to:

1. Unwelcome efforts to develop a romantic or sexual relationship;
2. Unwelcome commentary about an individual's body or sexual activities;
3. Threatening to engage in the commission of an unwelcome sexual act with another person;
4. Engaging in indecent exposure; voyeurism, or other invasion of personal privacy;
5. Unwelcome physical touching or closeness that does not rise to the level of Sexual Assault; and
6. Unwelcome jokes or teasing of a sexual nature or based upon sex stereotypes, including stereotypes based on sexual orientation, gender identity, and gender expression.

In cases of alleged Hostile Environment Sexual Harassment arising from speech (verbal, written, or electronic) or other forms of expressive activity, the University will interpret and apply the definition of Hostile Environment Sexual Harassment in a manner that does not interfere with First Amendment free speech protections. Student speech or expressive activity that is offensive but not severe or pervasive is generally not a sufficient basis to support a finding of Hostile Environment Sexual Harassment.

The University has a legitimate interest in holding employees (including administrators, faculty, and staff) to a higher standard than others with respect to unwelcome conduct on the basis of sex that occurs in the workplace or otherwise pursuant to an employee's official duties. Therefore, except as stated below, unwelcome conduct on the basis of sex by an employee that occurs in the workplace or otherwise pursuant to the employee's official duties is prohibited, and may result in disciplinary action, if the conduct is objectively offensive, even if it is not severe or pervasive. In determining the severity of any disciplinary

action taken for a violation of this paragraph by a University employee, the University will consider the severity and pervasiveness of the conduct at issue, the impact the conduct had on individuals subject to the conduct, any prior discipline for similar conduct, and any other relevant factors.

Any other provisions of this policy notwithstanding, speech and other forms of expressive activity occurring in an academic or research context will not violate this policy unless the speech or expressive activity lacks a legitimate academic, educational, or research purpose.

Sexual Assault: ["Sexual assault" includes](#)¹³

1. Penetration or attempted penetration, no matter how slight, of the vagina or anus by the sexual organ of the other person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs.
6. Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

Domestic Violence: "Domestic Violence" is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kansas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Kansas.

Dating Violence: "Dating Violence" is violence committed by a person –

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship will be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the

frequency of interaction between the persons involved in the relationship.

Stalking: "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for their safety or the safety of others, or 2) suffer substantial emotional distress. For the purpose of this definition, the following terms have the described meaning:

(A) Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties by any action, method, device, or means, follows monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

¹⁴The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

KEYWORDS:

Sexual Harassment, Sexual Violence, Harassment, Hostile Environment, Discrimination

CHANGE HISTORY:

05/16/2022: Updated to align with KBOR's Statement on Free Expression.

09/01/2021: Updated IOA to the Office of Civil Rights & Title IX.

07/15/2021: Updated links.

07/13/2021: Updated KUMC contact information.

08/14/2020: Updated definitions and aligned with federal Title IX regulations; hyperlink clean-up.

08/31/2016: Updated DLR to 10/03/2015 per HR/Abby King to begin policy review process.

07/08/2015: Updated contact information for KUMC Director, EOO.

03/06/2015: Added link to Sexual Harassment and Sexual Violence Procedures under Related Procedures.

11/03/2014: Policy formatting cleanup (e.g., bolding, spacing).

10/23/2014: Added links to 3 related brochures to Related Documents section.

09/16/2014: Corrected two non-working links to the IOA web page on Sexual Harassment in Policy Statement and Related Other sections.

05/2014: Added keywords.

06/2012: Changed contact to IOA;

05/01/2012: Added University of Kansas Combined Notice of Nondiscrimination.

02/18/2012: Added definitions of "sexual harassment" and "sexual violence" and added link to KU Sexual

Harassment web page.

06/2010: Revised

11/2007: Revised

12/2002: Revised

08/1993: Revised.

01/01/1982: Policy effective.

CATEGORIES:

Personnel: Affiliates/Volunteers Categories: *Workplace Rules & Guidelines*

Personnel: Faculty/Academic Staff Categories: *Workplace Rules & Guidelines*

Personnel: Staff Categories: *Workplace Rules & Guidelines*

Personnel: Student Employees Categories: *Workplace Rules & Guidelines*

Links on this page:

1. <https://policy.ku.edu/taxonomy/term/22>
 2. <https://ioa.ku.edu/title-ix/>
 3. <http://ioa.ku.edu/>
 4. <https://www.kumc.edu/compliance-services/office-of-compliance/equal-opportunity-office/title-ix-and-sexual-violence.html>
 5. civilrights@ku.edu
 6. nholick@kumc.edu
 7. <https://policy.ku.edu/provost/consenting-relationships>
 8. <https://kumc-publicpoliciesandprocedures.policystat.com/policy/6283195/latest/>
 9. https://www.kansasregents.org/resources/PDF/Students/Boards_Statement_on_Free_Expression_031721.pdf
 10. <https://policy.ku.edu/IOA/title-ix-resloution-process>
 11. <https://policy.ku.edu/IOA/discrimination-complaint-resolution>
 12. <https://kumc-publicpoliciesandprocedures.policystat.com/policy/7283641/latest/>
 13. <https://policy.ku.edu/civil-rights/sexual-harassment#11>
 - 14.
 15. <https://policy.ku.edu/comment/reply/649#comment-form>
-

Contact Policy Library

policy@ku.edu

785.864.9600

Strong Hall, Room 115

1450 Jayhawk Boulevard

University of Kansas

Lawrence, KS 66045

The University of Kansas prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression, and genetic information in the university's programs and activities. Retaliation is also prohibited by university policy. The following persons have been designated to handle inquiries regarding the nondiscrimination policies and are the Title IX coordinators for their respective campuses: Associate Vice Chancellor for the Office of Civil Rights and Title IX, civilrights@ku.edu, Room 1082, Dole Human Development Center, 1000 Sunnyside Avenue, Lawrence, KS 66045, 785-864-6414, 711 TTY (for the Lawrence, Edwards, Parsons, Yoder, and Topeka campuses); Director, Equal Opportunity Office, Mail Stop 7004, 4330 Shawnee Mission Parkway, Fairway, KS 66205, 913-588-8011, 711 TTY (for the Wichita, Salina, and Kansas City, Kansas medical center campuses).

