

EXAMPLES OF HARASSMENT

Conduct prohibited under this policy may include, but is not limited to the following:

Sexual Harassment

- Sexual or physical assault
- Unwelcome physical contact such as touching
- Direct solicitation of sexual activity
- Sex-related behavior accompanied by promise of reward or threat of punishment
- Unwelcome sexual remarks about a person's clothing or body
- Offensive sexual questions, jokes, anecdotes and stories
- Display of sexually offensive posters, pictures, words or messages
- Introduction of sexually explicit material into the classroom or workplace without an educational or work-related purpose.

Racial Harassment

- Offensive jokes, slurs, epithets, or name calling
- Unwelcome remarks attributing an individual's conduct, habits or lifestyles to his/her race or ethnicity
- Taunting about a person's race, color or national origin
- Exclusion because of one's race or ethnic background
- The production and distribution of hate literature

Other Forms of Harassment

- Physical threats
- Intimidation, ridicule or mockery
- Insulting words or slogans
- Offensive objects or pictures
- Conduct that interferes with or limits the ability to participate in or benefit from services or privileges provided by the University.

WHAT IF YOU ARE HARASSED?

Everyone at the University of Kentucky has the right to experience an environment free from discriminating or harassing behavior. If you feel that you have experienced or witnessed this type of behavior, seek assistance within the University promptly. Allegations of discrimination and harassment should be reported to the Office of Institutional Equity and Equal Opportunity.

Other suggestions include:

- Talk to someone you trust about the problem.
- Keep a written record of dates, times, places, witnesses, discussions and specific action for each occurrence.
- Make it clear to the harasser that the behavior is offensive and will not be tolerated.

PROCEDURES

The Office of Institutional Equity and Equal Opportunity is the University office charged with handling complaints of discrimination and for developing procedures for the investigation and resolution of reports.

In determining whether alleged conduct constitutes harassment, the record as a whole will be considered, as well as the totality of the circumstances. This means that the nature of the alleged conduct and the context in which the alleged conduct occurred will be examined and evaluated to determine whether the totality of circumstances of the harassment created a violation of University policy.

Who To Contact:

A complaint of discrimination or harassment may be initiated by contacting any dean, director, faculty member, department head, manager, supervisor, or other individual with supervisory or administrative responsibility. Any such individual who receives a complaint of discrimination or harassment shall report the allegation to the Office of Institutional Equity and Equal Opportunity.

Everyone may report discrimination or harassment without fear of retaliation. Any form of retaliation is considered serious even in the absence of a finding of discrimination.

The University, as the flagship institution, plays a critical leadership role for the Commonwealth by contributing to the economic development and quality of life within Kentucky's borders and beyond. The University nurtures a diverse community characterized by fairness and equal opportunity.

*University of Kentucky
Strategic Plan*

Office of Institutional Equity and Equal Opportunity

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Office of Institutional Equity
and Equal Opportunity

Discrimination and Harassment



A Guide
for
Members
of the
University
Community



UNIVERSITY OF KENTUCKY

August 2008

**Policy on Discrimination and
Harassment
AR II-1.1-9**

To: Members of the University Community

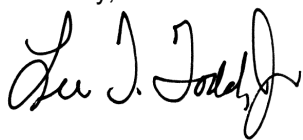
The University of Kentucky values the contribution of all students, faculty, staff and visitors in our community of learning. Discrimination and harassment create a harmful atmosphere that denies students the right to an education and restricts employees from carrying out the University mission.

This brochure contains information every member of the University community should read and understand. It speaks to the University policy and procedures for handling allegations of discrimination and harassment. The brochure also defines sexual, racial and other causes of harassment in accordance with the law and University policy, illustrates impermissible conduct, and offers procedures for seeking help.

The University of Kentucky will absolutely not tolerate discrimination or harassment of any student, faculty, staff or visitor. Our community must address allegations as they occur without delay and ensure the University provides the most effective means to prevent future occurrence.

The real message in this brochure is one of respect for human dignity and value. As best stated in the University Strategic Plan, "It must be demonstrated in a clear and convincing way that diversity is an essential value of the University community that informs its every aspect." Your assistance is necessary to foster the environment our community must provide for everyone.

Sincerely,



Lee T. Todd, Jr.
President

The University of Kentucky, in its efforts to foster an environment of respect for the dignity and worth of all members of the University community, is committed to maintaining an environment free of prohibited discrimination, which includes sexual and other forms of harassment. Discrimination and harassment are prohibited between members of the University community and shall not be tolerated.

DEFINITIONS

Discrimination: an action or behavior that results in negative or different treatment of an individual based upon race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, marital status, age, uniform service, veteran status, or physical or mental disability. Discrimination is also prohibited in employment matters based on whether an individual is a smoker or nonsmoker, as long as the person complies with any workplace policy concerning smoking.

Harassment: a form of discrimination, is unwelcome conduct that is based on the statuses noted above. Harassment becomes a violation of University policy when:

1. The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a University course, program or activity; or
2. The conduct is sufficiently severe, pervasive or persistent to interfere with an individual's work, academic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile, or offensive.

Sexual Harassment: a form of sex discrimination, may or may not take place in situations of a power differential between the individuals involved. Sexual harassment includes unwelcome* sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature and becomes a violation of University policy when:

- The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a university course, program or activity; or
- the conduct is sufficiently severe, pervasive or persistent as to interfere with an individual's work, aca-

ademic or program participation, or creates an environment that a reasonable person would consider intimidating, hostile or offensive.

*Conduct of an amorous or sexual nature occurring in an apparently welcome relationship may be unwelcomed due to the existence of a power difference which restricts a subordinate's freedom to participate willingly in the relationship.

If one of the parties in an apparently welcome amorous or sexual relationship has the responsibility for evaluating the performance of the other person, the relationship must be reported to the dean, department chair or supervisor so that suitable arrangements can be made for an objective evaluation of the student or employee.

(*Governing Regulation I.D.2(f)*)

Retaliation: Retaliation occurs when an adverse action is taken against a covered individual because he or she engaged in a protected activity, i.e. reporting discrimination or participating in an investigation of a discrimination report.

Members of the University Community: Members of the University Community are its faculty, staff, students, and volunteers, as well as customers and visitors of the University.

PROHIBITED ACTS AND SANCTIONS

Every member of the University Community is prohibited from:

1. Engaging in discrimination;
2. Retaliating in any manner against any individual who reports discrimination or who participates in an investigation of discrimination report; and,
3. Making an intentionally false accusation of discrimination through the University's procedures.

Any member of the University community who engages in a prohibited act against any other member of the University community shall be subject to disciplinary action and appropriate sanctions up to and including termination or expulsion. If an individual has more than one role or status at the University, e.g. an employee also enrolled as a student, the individual's status at the time the alleged incident occurred and the capacity in which the incident occurred are used to determine the appropriate sanctions.