

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR 6:2	PAGE 1
	DATE EFFECTIVE 01/26/09	SUPERSEDES REGULATION DATED N/A

POLICY ON SEXUAL ASSAULT, STALKING,
AND RELATIONSHIP VIOLENCE

I. Policy

The University is committed to maintaining an environment that is safe and free from sexual assault, stalking and relationship violence. The University will not tolerate sexual assault, stalking, and relationship violence (including threats of sexual assault and related relationship violence) against its students, faculty, staff, or visitors. In an ongoing effort to prevent sexual assaults, stalking and relationship violence, the University provides education and prevention programs; investigates complaints of sexual assault, stalking, and relationship violence; dispenses corrective or disciplinary action where appropriate; provides information on obtaining appropriate counseling and medical care; and provides complainants with information on pursuing criminal or other legal action.

II. Definitions

The following are intended as broad definitions, established for purposes of defining University policy. They are not intended to replace or summarize the Kentucky Penal Codes.

A. Sexual Assault

Sexual assault is a broad category that includes, but is not limited to, rape, sexual abuse and sexual misconduct. Sexual assault is any form of sexual contact obtained without consent or obtained through the use of force, threat of force, coercion, or intimidation. There are various degrees of sexual assault which cover a range of conduct and levels of force or intimidation. Examples include, but are not limited to:

1. forcible vaginal, anal or oral intercourse, digital penetration or penetration by an object;
2. sexual contact without full and free consent given by the person, including situations where drugs and/or alcohol impair the person's ability to give full and free consent;
3. attempted or actual unwanted sexual activity, such as sexual touching or fondling an unwilling person's intimate parts (e.g. genitalia, groin, breast or buttock, or clothing covering them) or forcing an unwilling person to touch another's intimate parts;

4. sexual contact when the perpetrator knows the person is unaware of the sexual contact; and
5. sexual contact when the person is below the statutory age of consent.

B. Stalking

A course of conduct directed at a specific person that is unwanted, unwelcome, or unreciprocated and that would cause a reasonable person to fear for his or her safety, security, or well-being. Stalking includes repeated harassing or threatening (implicit or explicit) behaviors. Examples include, but are not limited to:

1. following a person;
2. appearing at their home, place of business, or classrooms;
3. making harassing phone calls;
4. mailing written messages, or sending electronic messages;
5. leaving messages or objects at their home, place of business, vehicle, or classroom; and
5. vandalizing personal property.

C. Relationship Violence

Relationship violence occurs when one partner tries to maintain power and control over the other through actual or threatened physical or sexual violence, or psychological and emotional abuse. These acts may be directed toward a spouse, an ex-spouse, a current or former boyfriend or girlfriend, or a current or former dating partner.

D. Consent

Consent is the act of knowingly and voluntarily agreeing, verbally or non-verbally, to engage in sexual activity. Consent cannot be granted by an individual who:

1. is incapacitated by any drug or intoxicant;
2. has been purposely compelled by force or threat of force;
3. is unaware that the act is being committed;
4. is impaired because of a mental or physical condition;

5. is coerced by supervisory or disciplinary authority; or
6. is less than the statutory age of consent.

E. Complainant

A complainant is anyone who reports that she or he has been a victim of sexual assault, stalking, or relationship violence.

F. Respondent

A respondent is anyone against whom a report or allegation of sexual assault, stalking, or relationship violence is made.

III. Prohibited Acts

A. Every member of the University community is prohibited from:

1. engaging in sexual assault, stalking, or relationship violence;
2. retaliating in any manner against an individual who reports sexual assault, stalking, or relationship violence;
3. interfering with procedures to investigate or redress a complaint of sexual assault, stalking, or relationship violence; and
4. making an intentionally false accusation of sexual assault, stalking, or relationship violence through the University's procedures.

B. Any member of the University community who engages in one of these prohibited acts against any other member of the University community may be subject to corrective action and appropriate sanctions.

IV. Reporting and Filing Complaints

A. Sexual assault, stalking and relationship violence may be reported to the University of Kentucky Police, Lexington Fayette Urban County Police, University of Kentucky Violence Intervention and Prevention Center, the Dean of Students Office, or to any University official.

B. The University strongly encourages the reporting of all incidents of sexual assault, stalking, and relationship violence to the appropriate University officials. A report is an account or description of a specific incident. An incident may be reported without filing a formal complaint.

C. Filing a formal complaint is different from reporting an incident. A formal complaint is a request for the University to investigate an incident and take appropriate actions. The University will investigate all formal complaints of sexual assault, stalking, or relationship violence and will take appropriate disciplinary or corrective action in each instance. It will provide information on pursuing criminal or other legal action. It will also provide information on health care, counseling, and other support services available for students, faculty, staff, and visitors who have reported sexual assault, stalking, or relationship violence.

D. The University encourages individuals who make a report or file a formal complaint of sexual assault, stalking and relationship violence, regardless of where the report is made, to also contact the University of Kentucky Violence Intervention and Prevention Center (<http://www.uky.edu/StudentAffairs/VIPCenter/>) for assistance in accessing and navigating services, resources, and referrals both on and off campus. All University personnel who receive a report or complaint of sexual assault, stalking, or relationship violence should immediately refer the complainant to the Violence Intervention and Prevention Center, where the complainant will be counseled on his or her options.

E. Individuals who experience sexual assault or relationship violence are strongly encouraged to seek medical attention and be examined for physical injury, the presence of sexually transmitted diseases, or pregnancy as a result of rape.

NOTE: An individual who is considering making a criminal complaint or taking other legal action should seek medical care as soon as possible after the assault. It is important for the individual to not bathe, douche, or change clothing prior to the medical examination in order to avoid inadvertently removing important evidence. The kind of evidence that supports a legal case against an accused should be collected within 72 hours of an assault.

Important University Contact Numbers:

UK Police911 from a UK phone; or #UKPD from your cell phone
Violence Intervention and Prevention Center..... (859) 257-3574; or (859) 257-3564
Office of the Dean of Students.....(859) 257-3754
Office of Human Resources.....(859) 257-9555
Counseling and Testing.....(859) 257-8701
University Health Services.....(859) 323-5823
UK HealthCare.....(859) 257-1000

V. Rights of the Complainant and the Accused.

A. The complainant has the right to choose whether or not to file a formal complaint. There may be circumstances, however, such as the status of the alleged assailant or the

seriousness of the offense, in which the University must investigate and take action to protect the complainant or other members of the University community.

B. In addition to pursuing administrative penalties and remedies, the complainant maintains the right to pursue criminal charges.

C. Both the complainant and the accused shall be informed of the outcome of any institutional disciplinary proceeding brought alleging a sex offense (the University's final determination and any sanction(s)).

D. The complainant and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding.

E. A student complainant has the right to change University housing and academic arrangements if such changes are reasonably available.

F. An employee complainant may consult with Human Resources regarding available options.

VI. Corrective Actions and Disciplinary Procedures

A. If the respondent is a student, the University utilizes the process outlined in the Code of Student Conduct. If the respondent is a faculty or staff employee, the University utilizes the process outlined in Governing and Administrative Regulations, Human Resources Policies and Procedures, and other applicable University policy. The Violence Intervention and Prevention Center, in consultation with the Dean of Students Office, Human Resources Office, or the Office of the University Counsel, can advise a complainant which procedures would be applicable in a given case.

B. Possible sanctions for students resulting from the University disciplinary process range from a warning to disciplinary expulsion. Possible sanctions for faculty and staff range from an oral warning to termination of employment. Both the complainant and the respondent shall be informed of the outcome of the corrective action or disciplinary process.