

UNIVERSITY OF KENTUCKY ADMINISTRATIVE REGULATIONS	IDENTIFICATION AR II number	PAGE 1
	DATE EFFECTIVE mo/dd/07	SUPERSEDES REGULATION DATED

Policy on Sexual Assault, Stalking and Relationship Violence

I. Introduction

Sexual assault, stalking and relationship violence, including threats of sexual assault and related relationship violence, are attacks not only on a person’s body, but also on the person’s dignity, and are prohibited. In an effort to prevent sexual assaults, stalking and relationship violence, the University offers education and prevention programs; pursues all complaints of sexual assault, stalking, and relationship violence; dispenses 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 to be 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 or leaving electronic or written messages or objects; 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;
6. is less than the statutory age of consent.

E. Complainant

A complainant is anyone who reports or alleges 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 any 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 disciplinary action and appropriate sanctions.

IV. Reporting and Filing Complaints

A. The University encourages the reporting 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.

B. 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.

C. Sexual assault, stalking and relationship violence may be reported to UK Police, Lexington Fayette Urban County Police, the Dean of Students Office,

Violence Intervention and Prevention Center, or to any University official. All University personnel are encouraged to immediately refer sexual assault, stalking or relationship violence reports to Violence Intervention and Prevention Center, where the person will be counseled on the options, including legal redress.

V. Rights of the Complainant

A. The complainant has the right to have any and all reports and formal complaints of sexual assault, stalking or relationship violence be treated seriously.

B. The complainant has the right to be treated with dignity and respect.

C. The complainant has the right to be free from undue coercion of any kind from University personnel. Such coercion includes but is not limited to:

1. pressuring the complainant to report, not to report, or to under-report sexual assault, stalking or relationship violence;

2. suggesting that the complainant is somehow responsible for the sexual assault, stalking or relationship violence;

3. suggesting that the complainant negligently contributed to or assumed the risk of being sexually assaulted, stalked, or becoming a victim of relationship violence; and

4. suggesting that the complainant or the University might incur unwanted publicity or humiliation by reporting the sexual assault, stalking or relationship violence.

D. 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. The Violence Intervention and Prevention Center is available to counsel complainants on their options, including legal redress.

E. The complainant has the right to be fully informed in a timely manner of their rights and options, including the necessary steps and potential consequences of each option.

F. A student complainant has the right to change University housing and academic arrangements if such changes are reasonably available. An employee complainant may consult with Human Resources regarding available options.

VI. University 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 discipline process range from a warning to disciplinary expulsion. Possible sanctions for faculty and staff range from a reprimand to termination of employment. Both the complainant and the respondent shall be informed of the outcome of the disciplinary process.