



# KENTUCKY STATE UNIVERSITY POLICIES AND PROCEDURES

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**POLICY TITLE:**

**Discrimination and Harassment Policy**

**VOLUME, SECTION & NUMBER:****ENTITIES AFFECTED:**

**Faculty**

**Staff**

**Students**

**Contractors**

**Visitors**

**Volunteers**

**ADMINISTRATIVE AUTHORITY:**

**Office of Human Resources**

**APPROVED BY:**

**Kentucky State University Board of Regents**

**EFFECTIVE DATE:**

**August 9, 2024**

**REVISED FROM:**

**2013 Human Resources Policy Manual**

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**POLICY STATEMENT:**

Kentucky State University (KSU) is committed to providing equal educational and employment opportunities to all individuals. In accordance with Title VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Section 504 of the Rehabilitation Act of 1973, Revised 1992; and the Americans with Disabilities Act of 1990, KSU will not tolerate any form of discrimination or harassment on the basis of race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, military service status, physical or mental disability, age, or any other protected status, regarding admission to educational programs and activities or employment practices.

Acts of discrimination, harassment, or retaliation should be promptly reported to the Office of Human Resources (HR). However, there is no time limit for filing complaints with HR or the Title IX Coordinator. All complaints shall be acted upon in a timely manner and, to the extent permitted by law, every effort shall be made to maintain privacy. KSU affirms its commitment to a fair, equitable, and transparent investigation process that respects due-process rights.

Retaliating against an individual for alleging discrimination or harassment, for supporting a person filing a complaint of discrimination or harassment, for assisting in providing information relevant to a claim of discrimination or harassment, or for otherwise participating in an investigation of a complaint of discrimination or harassment constitutes a serious violation of this policy. Acts of alleged retaliation should be immediately reported to HR, the Title IX Coordinator, or the assigned investigator, and any such reports will be promptly investigated. KSU will take appropriate steps to protect individuals who fear they may be subjected to retaliation by others.

Inquiries regarding this policy and its procedures may be directed to the Director of HR and the Title IX Coordinator.

While employees are strongly encouraged to pursue the grievance procedure when problems occur in their employment relationships, employees are advised that they have the option to file a complaint with the local Equal Employment Opportunity Commission whenever it is believed that discrimination has occurred on the basis of race, color, sex, religion, national origin, age, disability, or any other protected class.

## **DEFINITIONS:**

### **Discrimination**

Discrimination is an action or behavior that results in negative or disparate treatment of an individual based on race, color, ethnic origin, national origin, creed, religion, political belief, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, military service status, physical or mental disability, age, or any other protected status.

### **Harassment**

Harassment is a form of discrimination and results from unwelcome conduct based on the protected statuses listed above. Harassment becomes a violation of KSU policy when:

- The conduct is sufficiently severe, pervasive, or persistent so as to interfere with an individual's work or participation in academics or programs, or so as to create an environment that a reasonable person would consider intimidating, hostile, or offensive; or
- The offensive conduct explicitly or implicitly becomes a term or condition of employment or participation in a KSU program or activity.

### **Protected Activity**

Any activity that an employee may engage in without fear of retaliation by supervisors. Protected activities

include alleging discrimination or harassment, supporting a person filing a complaint of discrimination or harassment, assisting in providing information relevant to a claim of discrimination or harassment, or otherwise participating in an investigation of a complaint of discrimination or harassment.

### **Sexual Harassment**

Sexual harassment is a form of sex discrimination and usually, but not always, takes place in situations where there is a power differential between the individuals involved. Sexual harassment includes unwelcome sexual advances or other verbal or physical behavior of a sexual nature. Sexual harassment becomes a violation of KSU policy when:

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

### **Retaliation**

Retaliation occurs when an employee takes adverse action against an individual because he or she engaged in a protected activity.

### **PROCESS:**

- HR is charged with handling all reports of discrimination and harassment and for developing procedures for the investigation and resolution of reports. The Title IX Office is charged with handling reports of sexual discrimination or harassment and for developing procedures for the investigation and resolution of reports.
- In determining whether conduct constitutes discrimination or harassment, investigators shall look at the record as a whole and at the totality of the circumstances, such as the nature of the behavior and the context in which the alleged incident occurred. Determinations shall be made from the facts and on a case-by-case basis.
- Members of the KSU community are encouraged to contact HR to report acts of discrimination, harassment, and retaliation. Members are also encouraged to contact the Title IX Office to report acts of sexual discrimination or harassment.
- A report should be made as soon as possible after an alleged incident to facilitate an effective investigation and resolution process.
- Even in the absence of a finding of discrimination or harassment, an investigation may result in a finding of retaliation.
- Reports of discrimination may also be initiated by contacting any dean, director, faculty member, department head, manager, supervisor, or any other individual with administrative responsibilities. Any such individual who receives a report of discrimination shall contact HR as soon as possible.

- Reports of sexual harassment or alleged violations of the Title IX Policy may be made to any KSU employee. Any employee who receives a report of sexual harassment or an alleged violation of the Title IX policy shall contact the Title IX Office immediately.
- Any member of the KSU community who is duly found to have engaged in discrimination, harassment, or retaliation shall be subject to disciplinary action, up to and including termination or expulsion. Likewise, any member of the KSU community who is duly found to have made an intentionally false accusation of discrimination or harassment shall also be subject to disciplinary action, up to and including termination or expulsion.

## **RELATED POLICIES:**

Equal Opportunity Policy

Title IX Policy

Employee Grievance Policy

## **STATUTORY AND REGULATORY REFERENCES:**

Title VII of the Civil Rights Act; 29 C.F.R. Part 1604.11

The Age Discrimination in Employment Act

The Americans with Disabilities Act

KRS 344.040

KRS 61.165

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