



POLICY TITLE:

Anti-Discrimination & Non-Retaliation

APPLIES TO:

All students, faculty, staff, visitors, volunteers, and contractors

ADMINISTRATIVE AUTHORITY:

Human Resources

APPROVED BY:

Kentucky State University Board of Regents

EFFECTIVE DATE:

August 8, 2025

NEXT REVIEW DATE:

August 8, 2028

POLICY STATEMENT:

Kentucky State University (KSU) is committed to providing a working and learning environment that is free from discrimination and harassment. Discrimination, harassment, and retaliation against anyone who makes a complaint or participates in the complaint process are prohibited and shall not be tolerated.

This policy establishes procedures for investigating and responding to reports/complaints of discrimination involving students, employees, and/or third parties in a prompt and equitable manner without placing an unreasonable burden on the complainant or KSU.

NOTE: Reports/complaints of sexual harassment are investigated and resolved under KSU's separate Title IX and Sexual Harassment policy. Please refer to that policy for matters involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking.

DEFINITIONS:

Complainant

The individual who reports an act of discrimination or harassment.

Discrimination

Adverse action or unequal treatment of an individual or group based on protected characteristics.

Harassment

Unwelcome conduct directed toward an individual or group based on one or more characteristics when:

- Submission to or enduring such conduct becomes a condition for employment or participation in an educational program or activity; or
- The conduct is severe, persistent, or pervasive enough to interfere with work performance, academic success, or access to KSU benefits; or
- The conduct creates an environment that most reasonable people would find intimidating, hostile, or offensive.

Hostile Environment

A situation where unwelcome conduct based on a protected characteristic is sufficiently serious to deny or limit an individual's ability to work, learn, or participate in KSU programs or activities.

Protected Characteristic

A trait or attribute protected from discrimination by federal or state law, including race, color, ethnic origin, national origin, creed, religion, sex, sexual orientation, gender identity, gender expression, pregnancy, marital status, genetic information, military service status, veteran status, physical or mental disability, age, political viewpoint, or social viewpoint.

Respondent

The individual who has been accused to be the perpetrator of conduct that could constitute discrimination or harassment.

Retaliation

Any adverse action taken against someone because they reported discrimination or harassment, participated in an investigation, or opposed discriminatory practices.

PROCESS:**Addressing Concerns Informally**

Individuals experiencing discrimination or harassment who prefer not to file a formal complaint initially may:

- Discuss concerns with their supervisor, department chair, or dean for guidance; or
- Directly inform the person whose behavior is causing concern that the conduct is unwelcome and must stop.

Formal Complaint Procedure

The formal complaint process prioritizes factual accuracy, fair assessment, and appropriate resolution.

Filing a Complaint Involving an Employee:

- Timeline: Complaints must be submitted to the Office of Human Resources (HR) within 30 calendar days of the most recent incident.
- Mandatory Reporting: All KSU supervisors, administrators, department heads, deans, directors, and other managers who become aware of potential discrimination or harassment must promptly report this information to HR.
- Initial Assessment: The HR Director will evaluate each complaint to determine:
 - Whether the reported behavior falls under this policy;
 - The appropriate investigative approach;
 - Whether immediate interim measures are necessary.

Filing a Complaint Involving Student-to-Student Misconduct:

- Timeline: Complaints must be submitted to the Office of Human Resources (HR) within 30 calendar days of the most recent incident.
- Mandatory Reporting: All KSU employees who become aware of potential discrimination or harassment involving students must promptly report this information to HR.
- Initial Assessment: The HR Director will evaluate each complaint to determine:
 - Whether the reported behavior falls under this policy;
 - The appropriate investigative approach;
 - Whether immediate interim measures are necessary.
- If the Complaint involves student-to-student misconduct and the behavior or misconduct falls under this policy, the HR Director shall refer the matter to the Vice Provost for Student Affairs.

Investigation Process

Assignment of Investigator:

- For student-to-student cases, the Vice Provost for Student Affairs or their designee shall serve as the investigator. However, the Vice Provost may also request that a qualified external investigator handle the investigation.
- For cases involving employees or visitors, the HR Director shall assign an HR staff member or other trained employee to serve as the investigator. However, HR may also request that a qualified external investigator handle the investigation.

Investigation Components:

Investigators are responsible for the following:

- Notification to involved parties of the alleged discrimination or harassment;
- Interviews with the complainant, respondent, and relevant witnesses;
- Collection and review of pertinent documentation;
- Analysis of available evidence; and
- Written determination using the preponderance of the evidence standard (i.e., more likely than not).

Procedural Elements:

Investigators must also:

- Provide anti-retaliation notices to all participants;
- Commit to completing investigations within 60 calendar days when feasible;
- Complete a comprehensive evaluation of evidence in full context; and
- Maintain appropriate confidentiality throughout the entire investigative process.

Resolutions and Outcomes

Following an investigation, an investigator must:

- Draft an investigation report that includes the investigator's findings;
- Provide a copy of the report and written notice of the findings to the complainant and respondent;
- Notify appropriate supervisors or administrators; and
- Limit communication to only those individuals with a legitimate need to know.

Required Notifications:

In addition to providing a copy of the report and written notice to the complainant and respondent, an investigator must also provide notice in accordance with the following guidelines.

For any complaint in which a student is a respondent, the investigator must notify the Student Conduct Officer and provide a copy of the report. The investigator may also notify other appropriate administrators.

If the respondent to a complaint is an employee, a copy of the report must be provided to the respondent's department head and immediate supervisor, as well as the Provost (if the respondent is a faculty member) or the HR Director (if the respondent is a staff member). The investigator may also inform other administrators as appropriate.

If the respondent to a complaint is an external individual (i.e., not a student or employee), a copy of the report must be provided to KSU's Chief of Police. If the external individual is a contractor, a copy of the report must be provided to KSU's Purchasing Director. If the external individual is a volunteer, a copy of the report must be provided to the volunteer's campus supervisor. The investigator may also inform other administrators as appropriate.

Corrective Measures:

For any complaint in which a student is a respondent, the Student Conduct Officer shall determine an appropriate sanction in accordance with the Student Code of Conduct.

For any complaint in which an employee is a respondent, the respondent's supervisor must implement corrective measures or sanctions in accordance with KSU's Corrective Action Policy. When considering which measure or sanction to impose, the supervisor must consider the severity, persistence, and impact of the respondent's behavior. If the supervisor decides to impose a corrective measure or sanction, they must do so promptly and must notify HR of any such action.

For a complaint in which the respondent is a visitor or volunteer, the respondent will be asked to leave KSU's campus and refrain from interacting with the complainant. If the respondent is an employee of a contractor, KSU may terminate the contractor's contract or request that a new employee be assigned to the project.

External Reporting Options

In addition to seeking relief under this policy, individuals who believe they are being harassed or discriminated against may simultaneously pursue complaints with external agencies. External agencies include:

- U.S. Equal Opportunity Commission – Louisville Area Office
600 Dr. Martin Luther King Jr. Place, Suite 268
Louisville, KY 40202
(502) 694-3989
1-800-669-4000
- U.S. Department of Education – Office for Civil Rights (Philadelphia Region Office)
The Wanamaker Building, Suite 515
100 Penn Square East
Philadelphia, PA 19107-3323
(215) 656-8541
- Kentucky Commission on Human Rights
312 Whittington Parkway, Suite 020
Louisville, KY 40222
(502) 595-4024
1-800-292-5566

KSU investigations will proceed in accordance with this policy, regardless of any external complaints or investigations. However, KSU will cooperate with any external investigations.

Exemptions

This policy does not restrict academic freedom or KSU's educational mission. Course materials, classroom discussions, and other academic activities related to the curriculum are exempt when relevant to the subject matter.

This policy operates independently from KSU's Title IX and Sexual Harassment Policy, with each addressing different forms of prohibited conduct.

REFERENCES AND RELATED MATERIALS:

- Title VII of the Civil Rights Act of 1964
- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Americans with Disabilities Act of 1990, as amended
- Age Discrimination in Employment Act of 1967
- Kentucky Civil Rights Act (KRS Chapter 344)

CONTACTS:

Subject	Office	Telephone	E-mail
Policy Questions	Human Resources	(502) 597-6667	Kendra.Herve@kysu.edu Human.Resources@kysu.edu
Policy Interpretation	General Counsel	(502) 597-6414	Zachary.Atwell@kysu.edu General.Counsel@kysu.edu

HISTORY:

Revision Type	Date of Issuance/Revision	Drafter(s)/Editor(s)
Issued (New Policy) (“Discrimination and Harassment Policy”)	August 2024	Zach Atwell
Substantive Revisions	June 2025	Zach Atwell
