



POLICY TITLE: Sexual Harassment and Violence Policy

POLICY PURPOSE: To define what conduct constitutes sexual harassment, sexual violence and other prohibited conduct.

BACKGROUND: Fort Hays State University is committed to an environment in which students, faculty, and staff are free of all forms of harassment, exploitation and intimidation. Replaces Policy Relative to Harassment on the Basis of Race, Religion, Color, National Origin, Sex, Gender, Age, Sexual Orientation, Marital Status, Veteran Status, or Physical or Mental Disability of 6/30/93.

APPLIES TO: Faculty, Staff, Students

DEFINITIONS:

CONTENTS:

POLICY STATEMENT: Fort Hays State University is committed to an environment in which students, faculty and staff are free of all forms of harassment, violence, exploitation and intimidation.

It is the university's policy to prohibit harassment of individuals on the basis of their status as a member of a protected class, which includes race, color, religion, gender, age, national origin, marital status, sexual orientation, veteran status and physical or mental disability. The protections afforded by this policy apply equally to all university employees and students.

Harassment includes, but is not limited to, verbal, physical or written behavior directed toward or relating to an individual or group on the basis of their protected class status which has the purpose or effect of:

- 1) Creating an intimidating, hostile or offensive work or educational environment;
- 2) Interfering with an individual's work, academic performance, living environment, personal security or participation in university-sponsored activities;

- 3) Threatening an individual's employment or academic opportunities.

This definition also applies to harassment of persons because of their association with or support of members of a protected class, as well as retaliation for reporting a violation of this policy or applicable laws and regulations.

Sexual Harassment

In particular, sexual harassment violates not only the dignity of the individual but also the integrity of the university as an enlightened environment in which to work and learn. Behavior that constitutes sexual harassment includes:

- 1) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature (e.g. uninvited touching) that are made either implicitly or explicitly a term or condition of an individual's employment or education, or are used as the basis for employment or academic decisions affecting the individual (e.g. grades, evaluations, promotions, letters of recommendation);
- 2) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile or offensive work or learning environment (e.g. sexual innuendo in the classroom).

While some examples of harassment, such as physical and verbal assaults, are easily identified, more generalized conduct such as use of epithets and inappropriate humor often goes unnoticed. All of these instances are equally demeaning and violate the spirit of this policy.

Anyone who believes they have been the target of harassment should report the incident(s) to the EEO Officer/Compliance Officer, as outlined in the Fort Hays State University Discrimination and Harassment Complaint Procedure.

Any reprisal taken against an individual for reporting, objecting to or serving as a witness about harassment of a member of a protected class is retaliation and will be considered a separate and distinct act of harassment.

Title IX

Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681, *et.*

Seq., prohibits discrimination on the basis of sex in any federally funded education program or activity. Any of the following actions, when taken on the basis of gender, may constitute a violation of Title IX and this policy, and could give rise to a complaint and investigation pursuant to this policy:

- 1) Sexual violence, which is a physical sexual act perpetrated against a person's will or where a person is incapable of giving consent, and may include rape, sexual assault and sexual battery;
- 2) Sexual harassment, as defined elsewhere in this policy;
- 3) Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
- 4) Discrimination, defined as actions that deprive members of the university community of educational or employment access, benefits or opportunities;
- 5) Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
- 6) Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the university community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity;
- 7) Bullying, defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally;
- 8) Violence between those in an intimate relationship or partnership;
- 9) Stalking, defined as a repetitive and/or menacing pursuit, following, harassment and/or interference with the peace and/or safety of a member of the university community; and,
- 10) Retaliation.

Complaints of actions in violation of this policy should be directed to one of the University's Title IX Officers. The Lead Title IX Coordinator and person to whom complaints of sexual violence against students should be submitted is:

Title IX Coordinator
Fort Hays State University
600 Park Street
Sheridan Hall, Room 208
Hays, KS 67601

785-628-4276 (phone)
785-628-4113 (fax).

The Deputy Title IX Coordinator responsible for investigating complaints of harassment violations by employees or third parties and against students or employees is:

Compliance Officer
Fort Hays State University
600 Park Street
Sheridan Hall, 314
785-628-4175 (phone)

The Deputy Title IX Coordinator responsible for investigating complaints of Title IX violations arising out of participation in intercollegiate athletics at the University is Dixie Balman, Senior Women's Administration and Assistant

Athletic Director for Compliance
Fort Hays State University
134 Cunningham Hall
785-628-4372.

Complaints to the Lead Title IX Coordinator and the Deputy for athletics-related complaints will be investigated and adjudicated pursuant to the Student Code of Conduct. Complaints to the Deputy for employee-related complaints will be investigated and adjudicated pursuant to the Fort Hays State University Discrimination and Harassment Complaint Procedure.

**EXCLUSIONS OR
SPECIAL
CIRCUMSTANCES:**

**RELATED
DOCUMENTS:**

Policies: Discrimination and Harassment Complaint Procedure; Equal Employment Opportunity Program

Forms:

Other:

KEYWORDS:

Sexual harassment, Title IX, hazing, retaliation, discrimination, sexual violence, Title IX Officer, complaints

**RESPONSIBLE
OFFICE:**

University Compliance Office

**RESPONSIBLE
UNIVERSITY
OFFICIAL:**

Compliance Officer

ORIGINATION DATE: 9/7/2011

CHANGE HISTORY Adopted by President's Cabinet 7/24/2019

Approved by ELT 9/2/2016

Replaces Policy Relative to Harassment on the Basis of Race, Religion, Color, National Origin, Sex, Gender, Age, Sexual Orientation, Marital Status, Veteran Status, or Physical or Mental Disability of 6/30/93 and Adopted by President's Cabinet 9/7/2011
