

Sexual Harassment

Summary

To articulate the University's prohibition of sexual harassment.

Body

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DOCUMENT TYPE:

Policy

PURPOSE:

To articulate the University's prohibition of sexual harassment.

APPLIES TO:

All University of Kansas staff, faculty, and students.

CAMPUS:

Edwards, Lawrence, Juniper Gardens, Parsons, Yoder, Topeka, Medical Center, Kansas City, Salina, Wichita

POLICY STATEMENT:

The University prohibits sexual harassment, which also includes sexual assault, domestic violence, dating violence, and stalking.

The University prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by this policy or by Title IX of the Education Amendments of 1972, or because the individual has made a report or complaint of sexual harassment, or testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and related procedures.

The University prohibits individuals from making materially false and bad faith reports of sexual harassment, as well as making materially false and bad faith statements in the course of any investigation, proceeding, or hearing under this policy and related procedures.

Procedures and additional information for the Lawrence, Edwards, Parsons, Yoder, and Topeka campuses are available on the Title IX page of the Office of Civil Rights & Title IX website.

Procedures and additional information specific to the Medical Center Campuses (Kansas City, Salina, and School of Medicine Wichita) are available on the Title IX and Sexual Violence page of the Medical Center website.

CONTACT:

For KU Lawrence Campuses:

Office of Civil Rights & Title IX
1082 Dole Human Development Center
1000 Sunnyside Ave.
Lawrence, KS 66045
[785-864-6414](tel:785-864-6414)
civilrights@ku.edu

For Medical Center Campuses:

KUMC Title IX Coordinator
KUMC Office of Compliance
Mailing: 3901 Rainbow Blvd, MS 7004
Kansas City, KS 66160
Physical: 4330 Shawnee Mission Parkway, Suite 330
Fairway, KS 66205
[913-588-8011](tel:913-588-8011) direct line
711 TTY
nholick@kumc.edu

APPROVED BY:

Chancellor

APPROVED ON:

1982-01-01

EFFECTIVE ON:

1982-01-01

REVIEW CYCLE:

Annual (As Needed)

RELATED STATUTES, REGULATIONS, AND/OR POLICIES:

University of Kansas Combined Notice of Nondiscrimination

The University of Kansas prohibits discrimination on the basis of race, color, ethnicity, religion, sex, national origin, age, ancestry, disability, status as a veteran, sexual orientation, marital status, parental status, gender identity, gender expression and genetic information in the University's programs and activities. The following persons have been designated to handle inquiries regarding the non-discrimination policies: Director of the Office of Civil Rights & Title IX, civilrights@ku.edu, Room 1082, Dole Human Development Center, 1000 Sunnyside Avenue, Lawrence, KS, 66045, [\(785\)864-6414](tel:785-864-6414), 711 TTY (for the Lawrence, Edwards, Parsons, Yoder, and Topeka campuses); Director, Equal Opportunity Office, Mail Stop 7004, 4330 Shawnee Mission Parkway, Fairway, KS 66205, [\(913\)588-8011](tel:913-588-8011), 711 TTY (for the Wichita, Salina, and Kansas City, Kansas Medical Center campuses).

KU-L Consenting Relationships Policy

KUMC Relationships Policy

Kansas Board of Regents Statement on Free Expression

RELATED PROCEDURES:

Title IX Resolution Process (KU Lawrence Campuses)
Discrimination Complaint Resolution Process (KU Lawrence Campuses)
Title IX Resolution Process (Medical Center Campuses)
Discrimination Complaint Resolution Process (Medical Center Campuses)

RELATED OTHER:

KU-L Title IX web page
KUMC Title IX and Sexual Violence web page

DEFINITIONS:

Sexual Harassment: "Sexual Harassment" is conduct on the basis of sex (including sexual orientation, gender identity, and gender expression) that constitutes Quid Pro Quo Sexual Harassment, Hostile Environment Sexual Harassment, Sexual Assault, Domestic Violence, Dating Violence, or Stalking.

Quid Pro Quo Sexual Harassment: "Quid Pro Quo Sexual Harassment" is an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual contact.

Hostile Environment Sexual Harassment: "Hostile Environment Sexual Harassment" is unwelcome conduct (including physical, visual, audible, and electronic conduct) determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person access to the University's education programs and activities.

Hostile Environment Sexual Harassment may include, but is not limited to:

1. Unwelcome efforts to develop a romantic or sexual relationship;
2. Unwelcome commentary about an individual's body or sexual activities;
3. Threatening to engage in the commission of an unwelcome sexual act with another person;
4. Engaging in indecent exposure; voyeurism, or other invasion of personal privacy;
5. Unwelcome physical touching or closeness that does not rise to the level of Sexual Assault; and
6. Unwelcome jokes or teasing of a sexual nature or based upon sex stereotypes, including stereotypes based on sexual orientation, gender identity, and gender expression.

In cases of alleged Hostile Environment Sexual Harassment arising from speech (verbal, written, or electronic) or other forms of expressive activity, the University will interpret and apply the definition of Hostile Environment Sexual Harassment in a manner that does not interfere with First Amendment free speech protections. Student speech or expressive activity that is offensive but not severe or pervasive is generally not a sufficient basis to support a finding of Hostile Environment Sexual Harassment.

The University has a legitimate interest in holding employees (including administrators, faculty, and staff) to a higher standard than others with respect to unwelcome conduct on the basis of sex that occurs in the workplace or otherwise pursuant to an employee's official duties. Therefore, except as stated below, unwelcome conduct on the basis of sex by an employee that occurs in the workplace or otherwise pursuant to the employee's official duties is prohibited, and may result in disciplinary action, if the conduct is objectively offensive, even if it is not severe or pervasive. In determining the severity of any disciplinary action taken for a violation of this paragraph by a University employee, the University will consider the severity and pervasiveness of the conduct at issue, the impact the conduct had on individuals subject to the conduct, any prior discipline for similar conduct, and any other relevant factors.

Any other provisions of this policy notwithstanding, speech and other forms of expressive activity occurring in an academic or research context will not violate this policy unless the speech or expressive activity lacks a legitimate academic, educational, or research purpose.

Sexual Assault: "Sexual assault" includes:¹

1. Penetration or attempted penetration, no matter how slight, of the vagina or anus by the sexual organ of the other person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. Use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. Touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law of the state where the sexual intercourse occurs.
6. Sexual intercourse with a person who is under the statutory age of consent as defined by the law of the state where the sexual intercourse occurs.

Domestic Violence: "Domestic Violence" is felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of Kansas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of Kansas.

Dating Violence: "Dating Violence" is violence committed by a person –

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. Where the existence of such a relationship will be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of the relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

Stalking: "Stalking" is engaging in a course of conduct directed at a specific person that would cause a reasonable person to 1) fear for their safety or the safety of others, or 2) suffer substantial emotional distress. For the purpose of this definition, the following terms have the described meaning:

(A) Course of Conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties by any action, method, device, or means, follows monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.

(C) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

¹The University's definition of "Sexual Assault" is mandated by federal regulations implementing Title IX of the Education Amendments of 1972. Those regulations require the University to adopt a definition of "Sexual Assault" that incorporates various forcible and non-forcible sex crimes as defined by the FBI's Uniform Crime Reporting System. See 34 C.F.R. § 106.30(a).

CHANGE HISTORY:

03/25/2025: Migration to TeamDynamix from Drupal.

05/16/2022: Updated to align with KBOR's Statement on Free Expression.

09/01/2021: Updated IOA to the Office of Civil Rights & Title IX.

07/15/2021: Updated links.

07/13/2021: Updated KUMC contact information.

08/14/2020: Updated definitions and aligned with federal Title IX regulations; hyperlink clean-up.

08/31/2016: Updated DLR to 10/03/2015 per HR/Abby King to begin policy review process.

07/08/2015: Updated contact information for KUMC Director, EOO.

03/06/2015: Added link to Sexual Harassment and Sexual Violence Procedures under Related Procedures.

11/03/2014: Policy formatting cleanup (e.g., bolding, spacing).

10/23/2014: Added links to 3 related brochures to Related Documents section.

09/16/2014: Corrected two non-working links to the IOA web page on Sexual Harassment in Policy Statement and Related Other sections.

05/20/14: Added keywords.

06/20/12: Changed contact to IOA;

05/01/2012: Added University of Kansas Combined Notice of Nondiscrimination.

02/18/2012: Added definitions of "sexual harassment" and "sexual violence" and added link to KU Sexual Harassment web page.

06/20/10: Revised

11/2007: Revised

12/2002: Revised

08/1993: Revised.

01/01/1982: Policy effective.

Related Articles

Related Articles (9)

Code of Student Rights and Responsibilities (Student Code)

The Code of Student Rights and Responsibilities outlines the rights of students and many of the standards of conduct expected within the University of Kansas community.

Consenting Relationships, University of Kansas Policy on

To address situations in which two persons have an apparently voluntary romantic or sexual relationship, but where a power differential exists because of their roles within the university, e.g., faculty/student or supervisor/employee.

Controversial Material and Sexually Explicit Materials in Instruction, Regents Policy on Use of

To provide guidance on the use of sexually explicit materials, the teaching about pedophilia, and the conduct and management of courses relative to these topics.

Crime Reporting

To assign responsibility for crime reporting and establish the appropriate reporting mechanisms to be used for notification of known or suspected criminal actions when such suspected actions occur on property owned or operated by the University or in conjunction with a University-sponsored event or activity.

Hearing Procedures for Complaints of Sexual Harassment

To articulate the University's procedures for resolving complaints of sexual harassment.

KU Libraries: Code of Conduct for Library Users

In the interest of protecting the rights of all users and in order to provide an environment suitable for pursuit of scholarly activities, the University of Kansas Libraries have enacted a Code of Conduct for Library Users. This Code of Conduct supplements existing University and other Library policies and provides guidance for all library users. Library users must ensure their use of library facilities, services, collections, electronic resources, and equipment does not infringe on or disrupt t

Syllabus Policy

To establish the requirement that every University of Kansas course must have a syllabus on file with the University and to articulate the required and recommended information to be included within all syllabi.

Title IX Resolution Process

To outline the procedures for the handling of sexual harassment and sexual violence at the University of Kansas

Undergraduate Instructional Assistants Best Practices

This document offers best practices and baseline suggestions for how to best utilize undergraduate instructional assistants within a variety of classroom or instructional capacities. It includes best practices for scope and responsibilities, selection, hiring and training, supervising and mentoring, compensation, and handling conflicts of interest.