



## *Sexual Harassment Policy*

### A. Commitment.

Murray State University is committed to maintaining an environment free from unlawful discrimination. Accordingly, sexual harassment will not be tolerated at Murray State University.

The University will continue to educate the campus with respect to sexual harassment and will continue to provide avenues for redress when issues arise. However, it is the responsibility of all students, faculty, staff and Regents to avoid sexually harassing behaviors.

### B. Definitions.

Sexual harassment is a form of gender discrimination which violates state and federal law and University policy. Students and employees can be the victims, or perpetrators, of sexual harassment. Whether actions constitute sexual harassment depends upon the particular facts surrounding, and law applicable to, the situation in question.

However, in general, sexual harassment means inappropriate conduct on the basis of sex including unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made explicitly or implicitly a term or condition of an individual's receipt of aid, benefits, service, employment or participation or performance in any course, program or activity;
2. submission to or rejection of such conduct by an individual is used as a basis for making decisions with respect to the individual's employment or participation or performance in any course, program or activity;
3. such conduct when committed by a student is so severe, pervasive and objectively offensive that it has the purpose or effect of unreasonably interfering with a student's work performance or participation or performance in a course, program or activity, or creates an intimidating, hostile or offensive environment for work or any course, program or activity;
4. such conduct in the workplace, or conduct committed by a non-student, is so severe or pervasive, or objectively offensive that it has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work or learning environment; or
5. such conduct constitutes sexual assault, dating violence, domestic violence, or stalking as each is defined by university policy and applicable state or federal law.

Sexual harassment can occur in different relationships including that of supervisor-employee, teacher-student and student-student. Purely voluntary personal or social relationship without any of the discriminatory effects noted above may not be sexually harassing behavior. However, Regents, administrators, faculty and staff are strongly urged to avoid relationships of an amorous or intimate nature with individuals, such as subordinates or students, whom they supervise, have an instructional responsibility for or have or may have the responsibility to evaluate. The existence of a power differential between the parties naturally raises the question whether the relationship is, in fact, voluntary.

Sexual harassment takes many forms. It can include sexual innuendo, suggestive or demeaning comments, insults, hostile remarks, humor and jokes about gender or gender-specific traits, requests or demands for sexual favors, threats or suggestive gestures. It can also include touching, pinching, brushing the body, assault or coerced or nonconsensual sexual intercourse.

### C. Reporting Sexually Harassing Behavior.

Murray State University encourages every member of the University community who believes they have been the victim of sexual harassment to report the allegations as soon as possible. Time limitations apply to the reporting of claims and the chance for remedial action may be lost by delay.

The University has formal and informal processes for resolving claims of sexual harassment. Victims of sexual harassment are encouraged to report their allegations even if they do not wish to utilize these processes.

Claims of sexual harassment should be made to the following offices:

1. Claims by employees against other employees, including their supervisors, and claims by students, including student workers, against other students, faculty members or other employees should be made with the Title IX Coordinator located in the Office of Institutional Diversity, Equity and Access (IDEA), 103 Wells Hall, telephone number 270-809-3155.
2. If the Executive Director of the Office of Institutional Diversity, Equity and Access (IDEA) is the person against whom complaint is made, the report should be made to the President of the University.
3. If the complaint is against the President or a member of the Board of Regents, the report should be made to the Chair of the Board of Regents. If the complaint is against the Chair of the Board, the complaint should be made with the Vice-Chair of the Board.
4. If there is doubt about which office the allegations should be made to, or if assistance is needed with respect to a complaint, the Title IX Coordinator located in the Office of Institutional Diversity, Equity and Access (IDEA) should be contacted for help.

In accordance with law, there will be no retaliation against an individual making a good faith claim of sexual harassment.

### D. Sanctions.

Any individual charged with sexual harassment will be accorded due process in compliance with established University procedures. Sanctions for sexual harassment may range from written warning to termination (for an employee) or expulsion (for a student).

Adopted by Murray State University Board of Regents on May 12, 1990. Section 2.21

Amended by Murray State University Board of Regents on February 29, 2008. Section 2.21

Updated due to title change for Office of Equal Opportunity on July 1, 2013

Updated due to logo change for the University on May 1, 2017.

Updated to comply with Office for Civil Rights law changes on August 28, 2020, Section 2.21. Pending final approval by Board of Regents – December 2020.