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**POLICY TITLE:** Policy on Harassment

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**POLICY PURPOSE:** Fort Hays State University is committed to an environment in which students, faculty, administrators, and academic staff (both classified and unclassified) can work together in an atmosphere free from all forms of harassment, exploitation, or intimidation.

**BACKGROUND:**

**APPLIES TO:** Faculty, Staff and Students

**DEFINITIONS:** **Harassment:** 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 his or her 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 any 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.

**Sexual Harassment:** Harassment on the basis of gender is further defined as any behavior which through inappropriate sexual content or disparagement of members of one gender has the same purpose or effect as items 1, 2, or 3 above. Behavior, whether verbal or physical, constitutes sexual harassment if:

1. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual or sex-based nature (e.g., uninvited touching) are made a condition of an individual's employment or education;
2. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual or sex-based nature are used as a basis for employment or academic decisions affecting that individual (e.g., grades, evaluations, promotions, letters of recommendation);
3. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual or sex-based nature have the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating, hostile, or offensive working or

learning environment (e.g., sexual innuendo in the classroom).

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

While some examples of harassment, such as physical and verbal assaults, are easily identified, more frequent and generalized instances, such as graffiti and insensitive use of language - including epithets and "humor" - often go unacknowledged. All of the above instances are demeaning and violate the spirit of this policy.

Under Title VII of the Civil Rights Act of 1964, employers are responsible for the actions of their agents. Supervisors and employers are accountable for actions of employees if those supervisors and employers are aware of or should have been aware of any harassment.

## CONTENTS:

### POLICY STATEMENT:

**Harassment:** It is the policy of Fort Hays State University to prohibit harassment of individuals on the basis of their status, which includes race, color, religion, age, national origin, marital status, veteran status, gender, sexual orientation, or a physical or mental disability. The protections afforded by this policy apply equally to all segments of the university community, i.e., students, faculty, staff, and employees of associated corporations.

**Sexual Harassment:** Sexual harassment, like harassment on the basis of race or religion, is a form of prohibited discrimination based on Title VII of the Civil Rights Act of 1964. In addition to being illegal, sexual harassment deters the creation and maintenance of a community in which students, faculty, administrative and academic staff (both classified and unclassified personnel) can work together in an atmosphere free of all forms of sexual harassment, exploitation or intimidation. Fort Hays State University will not tolerate sexual harassment.

Sexual harassment violates not only the dignity of the individual but also the integrity of the university as a caring and enlightened environment in which to work and learn. The intent of the university is to provide an environment in which sexual harassment does not occur, and to provide recourse for those experiencing sexual harassment and appropriate consequences for those individuals who practice, promote, or condone such harassment.

### Procedures

1. Acts of harassment as defined by this policy should be reported to the University Compliance Officer (628-4175).
2. All employees should be made aware of the reporting procedures available to them. All alleged acts of sexual harassment made known to any supervisor, director, advisor or employee, should be reported to the University Compliance Officer.
3. Grievances arising from violation of this policy may be resolved internally through use of the Protected Class and Sexual Harassment Grievance

Procedure.

4. FHSU reserves the right to investigate and take appropriate action in those situations where a formal grievance is not filed, but action is required.
5. Where more than one complaint has been raised against an individual, the University Compliance Officer will notify the accused party that the subsequent complaint may constitute a "pattern or practice" of harassment which may call for action on the part of the university even in the absence of a formal complaint from a particular individual.
6. Due process and confidentiality will be observed in all of these actions. It is the obligation of the University Compliance Officer, to whom a complaint of harassment is brought, to maintain confidentiality consistent with the following:
  1. preventing future acts of harassment,
  2. providing a remedy to persons injured by acts of harassment, and
  3. allowing persons accused of harassment to reply to a complaint if any action is anticipated.
7. In the event the University Compliance Officer is accused of sexual harassment, the grievant should report the alleged act of abusive behavior to the ad hoc University Compliance Officer who will help the grievant to seek redress through the appropriate grievance procedure.

**EXCLUSIONS OR  
SPECIAL  
CIRCUMSTANCES:**

**RELATED  
DOCUMENTS:**

**Policies:**

**Forms:**

**Other:**

**KEYWORDS:**

Harassment, threatening, hostile, intimidating, sexual harassment, confidentiality

**RESPONSIBLE  
OFFICE:**

University Compliance Office

**RESPONSIBLE  
UNIVERSITY  
OFFICIAL:**

Compliance Officer

**ORIGINATION DATE:** 9/7/2011

**CHANGE HISTORY:** Adopted by Cabinet 7/24/2019

Approved by ELT 9/2/2016

Adopted by Cabinet 9/7/2011