

ANTI-HARASSMENT/DISCRIMINATION POLICY

Policy No: 3.3.1	Revision Number: 4 Revision Date: 04-01-18
Original Effective Date: 06-22-98 Revision Dates: 05-04-10; 06-13-11; 10-04-12; 11-03-14	Revision Summary: Refines and updates format, and combines into one policy/procedure what were previously sequential Policies 3.3.1 through 3.3.1.5
Responsible Official: VP-Administrative Services	References: KCTCS Administrative Procedure 3.3.1

1. PURPOSE

This document articulates Kentucky Community and Technical College System (KCTCS)'s policy to maintain an environment free of illegal discrimination and harassment based on or relating to gender, race, color, religion (or lack thereof), national origin, age, disability, marital status, sexual orientation, gender identity, genetic information, pregnancy, veteran or social status, social origin, or indigenous status. It provides for the internal reporting and investigation of allegations of illegal discrimination and harassment.

2. SCOPE

- 2.1. This Policy applies to all KCTCS students, employees, volunteers, vendors, colleges, offices, applicants, and workplaces, regardless of location and to all KCTCS-related conduct, policies, decisions, and actions. All KCTCS employees and stakeholders, particularly those with supervisory authority, are responsible for enforcing this policy and procedure. Compliance with this policy and procedure are conditions of employment or continued employment.
- 2.2. This policy does not apply to mere disagreements, disciplinary actions, performance evaluation appeals, adverse actions, and other routine issues **unless those issues are based on** a legally protected classification, or retaliation.

3. POLICY

- 3.1 It is the policy of KCTCS that all students, employees, and stakeholders have the right to work and interact in an environment that promotes equal opportunity and treatment and is free of discriminatory practices, in all its forms, including sexual harassment. Harassment and discrimination based on a protected classification is prohibited. All allegations of harassment and discrimination will be promptly and appropriately investigated, and management shall promptly and appropriately respond to findings of impermissible harassment and discrimination. The System Office and College Human Resources departments shall ensure that KCTCS employees and stakeholders are properly trained on KCTCS expectations regarding anti-discrimination and harassment policy, including sexual harassment.

3.2 DEFINITIONS

- A. **PROTECTED CLASSIFICATION** is a characteristic, trait, or other identification on which basis applicable law forbids discrimination. Such categories include gender, race, color, religion or lack thereof, national origin, age, disability,

marital status, sexual orientation, gender identity, genetic information, pregnancy, veteran or social status, social origin, or indigenous status.

- B. **SEXUAL HARASSMENT** includes unwelcomed or unwanted verbal or physical conduct of a sexual nature where submission to or rejection of the conduct affects an aspect of employment, including but not limited to, hiring, performance evaluations, promotions, etc., or, the unwelcomed or unwanted conduct of a sexual nature creates an intimidating, hostile, or offensive work environment.
1. Examples: forced sexual acts; express or implied demands for sexual favors in exchange for anything; unwanted sexual advances to which an employee objects; staring at, touching, or assaulting someone's body; verbal comments about someone's body or sexuality; repeated sexual jokes, language, insults, gossip, comments, flirtations, advances, propositions, or questions; suggestive, insulting, or obscene comments or gestures; and graphic and sexually suggestive objects, pictures, or graffiti, videos or content via other electronic means, or graffiti.
- C. **DISCRIMINATION/HARASSMENT**: Verbal or physical conduct that degrades or shows hostility or dislike toward a person because of a protected classification which creates an intimidating, hostile, or offensive work environment; significantly interferes with one's work performance, or; is so objectively offensive that it alters the conditions of one's employment.
1. Examples: insults, slurs, quips, or negative stereotyping related to a protected classification; threatening, intimidating, or hostile acts related to a protected classification; written or graphic material (including graffiti, videos, or content via other electronic means) that degrades or shows hostility or dislike based on a protected classification; and jokes, pranks, or other forms of humor that reference, or relate to a protected classification.
- D. **HOSTILE WORK ENVIRONMENT**: Unfair, oppressive, or abusive treatment in the workplace based on protected classification.
- E. **RETALIATION**: Adverse employment or other action, workplace harassment, or other consequences substantially affecting one's employment in adverse ways based on the fact that a person filed a good faith report of discrimination or harassment, or participated in the investigation thereof. Good faith reports **do not** include reports or complaints based on lies, falsifications, or intentionally misleading statements, those based on slander, libel, or defamation, or those made with malicious intent to harm. Reports or complaints based on such factors may subject the reporter to disciplinary action, up to, and including termination of employment.

4. PROCEDURE

Procedure 3.3.1 implements this policy.

5. INVESTIGATION OF COMPLAINTS AND REPORTS

Employees shall immediately report good faith allegations of impermissible harassment and discrimination, which shall be timely investigated in accordance with the Anti-Harassment/Discrimination Procedure. KCTCS administration shall take appropriate management action based on the results of the investigation.

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