

## Lee, Brian

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**From:** Lee, Brian  
**Sent:** Friday, April 08, 2016 4:15 PM  
**To:** Wilkins, Deborah  
**Subject:** RE: Non-Discrimination policy

Hi Deborah:

Thank you for the information. I appreciate your help.

I am a member of the Campus Pride Index Committee—a committee charged with assessing WKU's campus climate in regards to the LGBTQIA community. We were discussing some policy related issues during our last meeting. The committee was excited to hear about the inclusion of gender identity as a protected class. If I am reading the emails below correctly, it would appear gender identity was included in the revised version of Policy 1.3002 Equal Treatment of Students which was not approved by Administrative Council because Policy 1.3002 was subsumed under the Non-Discrimination Policy 0.2040. The Campus Pride Index Committee is interested in learning if there are plans to revise the Non-Discrimination Policy 0.2040 to include the category of "gender identity/expression"? Thank you for your help.

Best regards,

Brian N. Lee, M.A., LPA  
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"Education is the passport to the future, for tomorrow belongs to those who prepare for it today." -Malcolm X

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**From:** Wilkins, Deborah  
**Sent:** Thursday, April 07, 2016 2:51 PM  
**To:** Lee, Brian <brian.lee@wku.edu>  
**Cc:** Kuster, Brian <brian.kuster@wku.edu>  
**Subject:** FW: Non-Discrimination policy

Brian,

Amber is correct. If you have any questions, please feel free to contact me.

-- Deborah

**From:** Scott Belt, Amber  
**Sent:** Tuesday, April 05, 2016 9:35 AM  
**To:** Wilkins, Deborah <[deborah.wilkins@wku.edu](mailto:deborah.wilkins@wku.edu)>  
**Subject:** Non-Discrimination policy

Deborah:

I received the e-mail below from Brian Lee, but I'm confident he is mistaken in which policy was recommended for including "gender identity" as a protected category. I cannot find anything in Senate, CAD or AC records that indicates a request to change Policy 0.2040 Discrimination and Harassment, so I think Brian is actually referring to the recommendation to change Policy 1.3001 Equal Treatment of Students. The actions taken with respect to that recommendation are as follows:

[https://www.wku.edu/senate/archives/archives\\_2015/a-april-16-2015-university-senate-meeting-minutes.pdf](https://www.wku.edu/senate/archives/archives_2015/a-april-16-2015-university-senate-meeting-minutes.pdf)

CAD Minutes – April 22, 2015

#### **A. Policy 1.3002 Equal Treatment of Students**

After much discussion, it was determined that the policy should be broadened to include age, color, veteran's status, and marital status and returned to Senate for approval as amended.

University Senate -- May 14, 2015 [https://www.wku.edu/senate/archives/archives\\_2015/e-3-1-3002-equal-treatment-of-students.pdf](https://www.wku.edu/senate/archives/archives_2015/e-3-1-3002-equal-treatment-of-students.pdf)

University Senate Minutes (read and approved August 27, 2015)

3. Policy 1.3002 Equal Treatment of Students (Endorsed by SEC via email) • Jennifer Hanley made a motion to approve Policy 1.302, Equal Treatment of Students, which was endorsed electronically by the SEC. The motion was seconded by Aaron Wichman. Seth Church made an amendment to change "gender" in the second section (third line) to "sex" and to insert "national origin." He stated that it does not matter where it goes. A suggestion was to place it before "ethnicity." Aaron Wichman said there is a big difference between gender and sex, and it might be losing the original intent. Patricia Minter quoted parts of the Title 7 Civil Rights Act of 1954; and said that it is consistent with Federal law. There was no further discussion. The Amendment of the policy was approved unanimously. The original policy as amended passed unanimously. Seth Church will send the change in wording.



President Ransdell supported the recommended changes via his response to a Senate Recommendation: [https://www.wku.edu/senate/archives/archives\\_2015/f-5-president-ransdell-memo-on-resolutions.pdf](https://www.wku.edu/senate/archives/archives_2015/f-5-president-ransdell-memo-on-resolutions.pdf)

Administrative Council – June 1, 2015 (minutes are not recorded)

- 1) Academic Affairs Policies (*Emslie*)\*
  - #1.2130 – Faculty Compensation for Teaching On Demand Courses
  - #1.3002 – Equal Treatment of Students
  - #1.4180 – Course-Related Field Trips

Final action, recommended changes to Policy 1.3001 (which would have become 1.3002) were not approved by the Administrative Council. Per Emslie’s notes, it was determined that Policy 1.3001 should be removed (per you) because the information was covered under Policy 0.2040 Discrimination and Harassment. We did remove Policy 1.3001 from the University’s central repository, but [https://wku.edu/policies/hr\\_policies\\_2040\\_discrimination\\_harassment\\_policy.pdf](https://wku.edu/policies/hr_policies_2040_discrimination_harassment_policy.pdf) still references Policy 1.3001 as does Policy 0.2070 Title IX – Sexual Misconduct/Assault <http://www.wku.edu/policies/docs/182.pdf>

Will you be able to respond to Brian or if you would prefer I did so, would you provide some insight as to the most appropriate response?

Thanks!!!

Amber

**Amber Scott Belt MPA CCP**  
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 Bowling Green, KY 42101

**From:** Lee, Brian  
**Sent:** Wednesday, March 30, 2016 3:45 PM  
**To:** Scott Belt, Amber <[amber.scott@wku.edu](mailto:amber.scott@wku.edu)>  
**Subject:** Non-Discrimination policy

Hi Amber:

I was told you may be able to help me with the following. I have been told the WKU non-discrimination policy was edited in the not too distant past to now include gender identity as a protected category. This category seems to be reflected on job descriptions posted to HR’s website (e.g., <https://wku.interviewexchange.com/jobofferdetails.jsp?JOBID=69653>), but I cannot find the specific policy via the WKU website. The only policy I can find online is <https://www.wku.edu/policies/docs/205.pdf> which does not include gender identity as a protected class. Can you help me locate this policy?

Thanks,

Brian N. Lee, M.A., LPA

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**University Senate Meeting Minutes**  
**Thursday, April 16, 2015 -- 3:45 p.m.**  
**Faculty House**

**A. Call to Order**

- **A regular meeting of the WKU University Senate was called to order by Chair Margaret Crowder on Thursday, April 16, 2015, at 3:45 PM. A quorum was present.**
  
- **Members Present:** Cathy Abell, Heidi Álvarez, Shahnaz Aly, Dora Babb, Barbara Burch, Mike Carini, Ashley Chance-Fox, Robert Choate, Seth Church, Ismail Civelek, Thaddeus Reed Crews, Margaret Crowder, R. Tucker Davis, Martha Day, Laura DeLancey, Richard Dressler, Karin Egloff, Jody Evans, Joseph Evans, Ann Ferrell, Lloren Foster, Marilyn Gardner, John Gottfried, Jennifer Hanley, Kate Hudepohl, Tom Hunley, Michelle Jackson, Muhammad Jahan, Dean Jordan, Jeffrey Kash, Eric Kondratieff, Hanna Khouryieh, Stephen King, Dominic Andrew Lanphier, Ching-Yi Lin, Ling Lo, Kelly Madole, Gayle Mallinger, Sean Marstin, Andrew Mienaltowski, Richard Miller, Patricia Minter, Bella Mukonyora, Anthony Paquin, Yvonne Petkus, Beth Pyle, Atilla Por, Jeff Rice, Tiffany Robinson, Julie Shadoan, Jonghee Shim, Beverly Siegrist, Douglas Smith, Lizabeth Price Sturgeon, Dick Taylor, Adam West, Andrew West, Aaron Wichman, Kristin Wilson, and Elizabeth Winkler.
  
- **Substitutes Present:** Danita Kelly for John Bonaguro, Walter Collett for Robert Choate, Sandy Staebell for Allison Day, Richard C. Miller for Gordon Emslie, Megan Miller for Jennifer Lynn Howard, Jerry Daday for Lauren McClain, Robert Dietle for Tamara Van Dyken, Jeremy Maddox for Blairanne Williams, and Lorraine Bormann for Dawn Gannett Wright.
  
- **Guests or Newly-Elected Senators for 2015/16 Present who signed in:** Keith Andrew, Farhad Ashratzadeh, Susann Davis, Molly Dunkum, Loretta Dye, Travis Esslinger, Anne Heintzman, Michelle Hollis, Leisa Hutchinson, Grace Lartey, Alex Lebedinsky, Feng Liang, Jeremy Maddox, Kurt Neely, Katherine Pennavaria, Bryan Reaka, Mark Staynings, Sandy Stoebell.
  
- **Members Absent:** Erica Brady, Kristi Branham, Jill Brown, Yining Chen, Krisstal Clayton, Patricia Desrosiers, Marko Dumancic, Sam Ewans, Connie Foster, Dennis George, Frederick Grieve, Angela Jerome, Samantha Johnson, Jeffrey Katz, Richard Keaster, Thomas Kingery, David Lee, Qi Li, Alexandria Manglaris, Catherine Martin, Greg McAmis, Doug McElroy, Steve Miller, Evelyn Montecal Oregon, Inma Pertusa, Pam Petty, Shura Pollatsek, Gary Ransdell, Nancy Ayers Rice, Janet Nicki Seay, Michael Smith, Cheryl Stevens, Rebecca Stobaugh, Kevin Thomas, Rico Tyler, Tanya Vincent, and Zhonghang Xia.

## **B. Approve March Minutes**

- Dick Taylor made a motion to approve the March University Senate meeting (2<sup>nd</sup> Jennifer Hanley). It should be noted that the attendance sheet for the March minutes was misplaced. The minutes to the March meeting, minus the attendance roster, were approved unanimously.
- Senators at the April 16 meeting who confirmed that they attended the March meeting were: Heidi Álvarez, Shahnaz Aly, Dora Babb, Barbara Burch, Mike Carini, Ashley Chance-Fox, Walter Collett for Robert Choate, Ismail Civilek, Thaddeus Reed Crews, Margaret Crowder, Laura DeLancey, Richard Dressler, Joseph Evans, Lloren Foster, Marilyn Gardner, John Gottfried, Jennifer Hanley, Kate Hudepohl, Tom Hunley, Dean Jordan, Jeffrey Kash, Eric Kondratieff, Stephen King, Dominic Andrew Lanphier, Kelly Madole, Gayle Mallinger, Sean Marstin, Jerry Daday for Lauren McClain, Andrew Mienaltowski, Patricia Minter, Bella Mukonyora, Anthony Paquin, Yvonne Petkus, Beth Pyle, Attila Por, Beverly Siegrist, Douglas Smith, Lizabeth Price Sturgeon, Dick Taylor, Heather Payne-Emerson for Adam West, Elizabeth Winkler, and Dawn Gannett Wright.

## **C. Reports:**

### **1. Chair – Margaret Crowder**

- Chair Crowder brought to attention some of the information items.
- The insurance limitations and exclusions list has been tracked down; please share it with your colleagues.
- The Human Resources email regarding the non-compliance with the Tier 1 Top Life Pledge was updated by Tony Glisson today; 24 are non-compliant (13 faculty and 11 staff). The non-compliant individuals were contacted.
- Chair Crowder welcomed the new first-time incoming senators for the next term, and noted that April and May's business is for current senators. The caucusing and elections will bring the new senators to the center.

### **2. Vice Chair – Jennifer Hanley**

- There is an EXTENDED DEADLINE, April 22, 2015, for nominations for the Faculty Handbook Committee in four colleges. Gordon Ford College of Business, Libraries, College of Education, and University College all need to elect ONE tenured faculty member to serve as your representative on the Faculty Handbook Committee. Each individual elected to the Handbook Committee will serve a three-year term. Information about the Faculty Handbook Committee and the election process can be found on page 13 of the Faculty Senate Charter and can be found here: [https://www.wku.edu/senate/documents/senate\\_charter\\_dec2011.pdf](https://www.wku.edu/senate/documents/senate_charter_dec2011.pdf)
- Please forward this information to all of the faculty in your college and/or department and have interested parties forward their names and 800 numbers to Dr. Jennifer Hanley Senate Vice Chair no later than April 22, 2015 by 4:00pm. Each college will vote for their own representative on April 30, 2015. Please note that only tenured faculty are eligible to serve on the Handbook Committee. If you have additional questions please

contact Jennifer Hanley directly.

3. Secretary - Heidi Alvarez

- No Report.

4. Coalition of Senate and Faculty Leadership for Higher Education – Molly Kerby

- No Report.

5. AAUP President - Eric Reed

- No Report.
- Margaret Crowder attended a meeting at ECU for AAUP. There are meetings June 11-14 in Washington DC and July 23-26 in Denver.
- The new AAUP Redbook (11<sup>th</sup> Edition) is out; Chair Crowder suggested that WKU should purchase some copies, especially for our Faculty Regent and for the Chair of the Faculty Welfare Committee.
- The annual salary survey is out; please look at it.

6. Advisory:

a. Faculty Regent – Barbara Burch

- Regent Burch welcomed incoming senators.
- Next Friday is the Board of Regents meeting, and several agenda items were noted.
- Dr. Burch said that the SGA resolution includes a fee for a new parking garage of \$30 per semester; a 3% increase in the student centers fee; and a 3% increase in the athletic fee. There is a 3.1% tuition increase (could go up to 3.8% if all of the new fee increases are approved). There is no new state money factored in. There will be a new tuition rate proposed for P-12 educators that is designed to provide a more competitive and marketable rate for P-12 educators. Regent Burch received several comments from faculty about why the proposed athletic fee is being increased. At the present time, a little more than one fourth of the university funds in the athletic budget comes from student fees. Until a few years ago, athletics fees were on the HEPI index (Higher Education Price Index), which guaranteed them an automatic inflationary-type increase each year. A few years ago, the Board eliminated the HEPI index for athletics and instead, the student fee became tied to enrollment. The enrollment loss of the last several years has impacted this aspect of the athletics budget. There is no question that the athletics department has experienced a loss in revenue due to enrollment changes; however, virtually all areas on campus are also experiencing a loss or resources as well. To increase this fee for athletics would not only be contradictory to the intent of making this fee 'enrollment based' but also suggests singling athletics out as a funding priority. At the present time, 70% of the athletic budget is already subsidized with university funds, and this would add still further to the cost of attendance for students. 20% of the budget comes from student fees. With HEPI (Higher Education Price Index), an increase used to take place every year. A few years ago, the board took them off HEPI. The 6% enrollment drop is related to budget. There is a single athletic fee. We are halfway down in total dollars. We are 70% subsidized by the university.
- A number of new certificate programs were approved to come to the BOR agenda, and after a decade of being a joint program with the University of Louisville and the



University of Kentucky, the joint engineering programs will finally be offered as independent, WKU degree programs.

- Also on the agenda were enrollment projections, special projects, and a recognition of new emeriti faculty.
- Molly Kerby said that in the last meeting it was mentioned that the university was thinking about not paying for AASCU membership and asked if anything has come of this. Richard C. Miller said that the Provost brought this issue up; he was not inclined to use recurring funds for AASCU membership, and asked the Deans if they would help. All but one Dean said they would contribute. Regent Burch added that she anticipates the membership fee will be taken care of. We are an AASCU institution (American Association of State Colleges and Universities); 98% of the public, comprehensive universities across the country are members. Dr. Burch stated that the cost of the AASCU membership is approximately \$22,000 to \$23,000. She added that a recent article in the Herald noted that more than \$.5 million is paid by the university in athletic conference membership costs. The University has historically been an AASCU member, which reflects its identity and affiliations as a public, comprehensive university. Dr. Burch noted that while this fee has historically been paid as a university fee, the AASCU membership has been paid by Provost Emslie in recent years (two or three years); it should be a presidential (university-wide) responsibility. Hopefully, with the Deans' help for the coming year, this will again be reinstated as an institutional commitment. Almost all of the Deans have agreed to pitch in \$1000.

b. Provost – Richard C. Miller for Gordon Emslie

- The Provost is at the CPE Meeting, and is seeking final approval for the stand-alone engineering program.
- We just finished the 2.5-year SACS-COC experience. There was a 2.5-day visit with the on-site committee. Dr. Miller echoed Dr. Ransdell's email that thanked the campus community for their leadership and for meeting all of the requirements. The exit interview was held last Thursday. There are two minor things to address regarding the assessment of certificate programs. The subsequent report is due in September. We will have an opportunity to respond to the original report. We will hear the final outcome in December, and are expecting a positive outcome.
- Every five years is the mock assessment for SACS; it is a mid-ten-year assessment. We are already in the process of thinking of the 5<sup>th</sup> year reaffirmation.
- The members of the SACS-COC committee did a great job, including Sylvia Gaiko, Doug McElroy, and the office staff (Candace and Jessica).
- The fiscal 2015-2016 budget will be presented to the Board of Regents.
- We are still in the hiring season; members of the search committees are doing arduous and important work. Hiring colleagues is an important duty.

c. SGA President – Nicki Taylor

- No report. Nicki Taylor was absent; the meeting for next year's President of SGA is going on right now.

**D. Committee Reports and Recommendations**

1. **Graduate Council: (Report posted, Endorsed by SEC)**



- Beverly Siegrist, Chair of the Graduate Council, made a motion for approval of the posted Graduate Council report with one friendly amendment: three classes from Geo Science (500, 555, 571) that were listed for fall are now listed for winter term. There was no discussion. The report with friendly amendment was approved unanimously by graduate faculty.
- a. **Policy item recommendation (Posted; Endorsed by SEC)**
    - The Graduate Council recommendation from SEC 2 meetings ago was sent back for comment. The Graduate Council reviewed the policy that was brought up in the SEC meeting. It was taken to these three bodies: Graduate Council, UCC, and Academic Quality. Siegrist made a motion to accept the recommendation related to the policy (2<sup>nd</sup> Doug Smith). Kelly Madole asked what the next phase is in the recommendation. Margaret Crowder said that it will be compiled and brought back, and will make sure that Doug McElroy and the Provost get the information. The policy item recommendation was accepted unanimously.
  2. **Undergraduate Curriculum Committee: (Report posted; Endorsed by SEC)**
    - Ashley Chance-Fox, Chair of the UCC, made a motion to approved the UCC report as posted; it was approved unanimously.
  3. **Academic Quality: (Report posted; Endorsed by SEC)**
    - Laura DeLancey, Chair of the Academic Quality Committee, gave an update on one item, the Confucius Institute. Martha Day, Laura McGhee, and \_\_\_\_\_ from psychology. Laura DeLancey made a motion to approve the report as posted. Kate Hudepohl stated that she was concerned that there were no representatives on the committee from the Asian Studies Program. She made a motion recommending that Dr. Ransdell add one Asian Studies Faculty Member to the faculty advisory board for the Confucius Institute (2<sup>nd</sup> Lloren Foster). Kelly Madole asked if the amendment is separate to the recommendation. Margaret Crowder said that it is a separate motion at present. Kate Hudepohl said she does not care how it goes forward. Hudepohl's motion on the floor was approved unanimously. There was no more discussion of the Academic Quality report as posted. The report was unanimously approved.
  4. **Faculty Welfare and Professional Responsibility: (Report posted; Endorsed by SEC)**
    - The posted report includes the Faculty Welfare Committee's reaction to multi-term registration.
    - Patricia Minter, Chair of the Faculty Welfare and Professional Responsibility Committee, made a motion to approve the report as posted. The report was approved unanimously.
    - a. **Handbook Recommendation**
    - b. **Handbook Approval. Substantive Change**
      - Patricia Minter brought forth a recommendation from the committee and one substantive change. The Faculty Handbook will have final approval at the Board of Regents, who will send it to Faculty Handbook. Patricia Minter made a motion for acceptance of the Faculty Handbook being approved by the Board of Regents; it will then go to the Faculty Handbook Committee. If approved, it comes back to Senate. The motion was approved unanimously; it will go back to the Handbook Committee.

5. General Education/Colonnade Implementation Committee: No Report.; items for the charter change change are in Ad Hoc Committee report, below

6. Budget and Finance Committee: No Report.

7. Faculty Handbook Committee: No Report.

8. **Ad Hoc Committee on Research: (Report posted; Endorsed by SEC)**

- Molly Kerby, Vice Chair of the Ad-Hoc Committee on Research, made a motion for approval of the posted report (2<sup>nd</sup> Laura DeLancey). Aaron Wichman and Margaret Crowder thanked the committee for their work. They stated that the committee did a fantastic job on the report.
- The Ad-Hoc Committee AND the Research Committee will have a meeting with the Provost later this month.
- Senate will need to follow up with the ideas and recommendations in this report.
- Jerry Daday asked if this could also be forwarded to the President. The President and the Provost are supposed to make the decision together. Jerry Daday made a motion to send the report as posted to President Ransdell (2<sup>nd</sup> Dick Taylor). The motion to send the report to the President passed unanimously. Margaret Crowder will forward the report to the President and will also forward it to Dr. Burch, who will share it with the Board of Regents.
- Kristina Arnold asked if Blaine Ferrell's name was added, and Margaret Crowder stated that it was added.
- There was no more discussion on the report; the report was approved unanimously.

9. **Ad Hoc Committee on Senate Charter Revisions: (Draft posted - 1st reading)**

- The Ad-Hoc Committee on the Senate Charter Revisions gave its first reading of the revised charter.
- The changes are highlighted. There are some wording changes (ie. p.7, colonnade; the number 7 days in advance – it previously said 5 and it has always been 7). The major changes are Colonnade and Graduate Council. P. 17 is a change in name (Advisory Committee on Faculty Promotion and Tenure). There are no other substantive changes aside from the two major sections.
- Chair Crowder clarified that there will be no edits on the floor.
- Page 8 & 9 Colonnade Changes were brought forth from the Colonnade Committee with some alterations. Lloren Foster made a motion for approval of the Colonnade changes (2<sup>nd</sup> Dick Taylor). There was no more discussion on this item. These changes were approved unanimously.
- Page 12 & 13 is the second major section, Graduate Council. There are many highlights and substantive changes. Beverly Siegrist, Chair of the Graduate Council and also a Senator, stated that this section needs to go back to the Graduate Council for review. Because of the meeting schedule, (the Graduate Council meets next week on Thursday at 2:00), the Graduate Council has not seen this document. Beverly Siegrist invited senators to come and participate in next week's meeting. Robert Dietle asked if this means that this is not the first reading for the Graduate Council? What status does this text have? Margaret Crowder stated that it was approved by the SEC. Kelly Madole said it may or

may not be consistent with Graduate Council. The recommendation was made to the University Senate to the Provost. Kelly Madole added that it should say “to the Graduate Members of the University Senate.” Kurt Neelly asked where this applies; Kelly Madole responded that it applies any place it mentions in terms, for example the last sentence of the second paragraph.

- There was no further discussion. The first reading of the charter changes was complete with the understanding that we will take these amendments.

#### **E. Old Business**

- There was no old business.

#### **F. New Business**

##### **1. Colonnade courses for approval (ECON 430; GEOG 330; POP 201; PSYS 423; RELS 200)**

- Molly Dunkum made a motion for approval of the slate of five colonnade courses as posted (2<sup>nd</sup> Lloren Foster). The slate of courses was approved unanimously as posted.

##### **2. Student Complaint Procedure (Undergraduate Catalog Policy Revision)**

###### **a. Student Complaint Procedure Flowchart**

- The student complaint procedure is an undergraduate catalog revision. Richard Miller stated that the recommendation comes from the University Complaint Committee. It is related to grade appeals; the committee felt they did not have the right to overturn grade appeals that originated in the college. The change in policy is that the committee only hears academic appeals, not grade appeals. Grade appeals stop at the college. Academic appeals deal with items such as program dismissal. The flow chart takes through step-by-step what will happen at various levels.
- A motion to approve the revision of the Student Complaint Procedure for the Undergraduate Catalog Policy was made by Dick Taylor (2<sup>nd</sup> Hanley). Seth Church (SGA) stated that the policy concerns him, and that he is leery of anything that takes away an extra level of protection to students. There was one incident this year in which a college/departmental level decision was overturned. Richard Miller said that this happened during deliberations of a grade appeal; there was a compelling reason to overturn that – it had an ethnic/cultural influence. The reason was other than academic. It was very unusual and Richard Miller stated that he is not expecting that it could happen again. Elizabeth Winkler asked if this was an exception, why wasn't it determined by the Department or the Dean? Richard Miller responded that it was determined later. Elizabeth Winkler asked if there should be a policy in place for this. Dick Taylor asked “isn't it covered at the bottom of the flow chart?” Richard Miller responded that if it concerns discrimination, then it would. Kelly Madole made a motion to send this policy to a UCC subcommittee (2<sup>nd</sup> Aaron Wichman). The motion to send this policy to a UCC subcommittee passed unanimously.

##### **3. SGA Resolution 7-15-S**

- Seth Church (SGA) introduced Resolution 7-15-S on the floor, Resolution to Oppose Increasing the Student Athletics Fee. \$218 is a 2.75% increase, and 2.8% for next year; Church stated that it should remain frozen.
- Seth Church made a motion for concurrence (2<sup>nd</sup> Robert Dietle). There was no

discussion. The University Senate is in unanimous concurrence with the SGA Resolution to Oppose Increasing the Student Athletics Fee.

4. Resolution to Recommend Revision of Policy 1.3001 Equal Treatment of Students
  - Aaron Wichman introduced a Resolution on the senate floor to Recommend Revision of Policy 1.3001, Equal Treatment of Students.
  - Gender, race, religion, sexual orientation are all sometimes stigmatized. Wichman's resolution includes the word "disability" in this group.
  - Wichman made a motion for approval of his resolution (2<sup>nd</sup> Marilyn Gardner).
  - Molly Kerby stated that she does not want to downplay disability, but proposed a friendly amendment to include "gender identity and gender presentation." Kerby's motion for this friendly amendment (2<sup>nd</sup> Jennifer Hanley) was accepted by Wichman.
  - Beth Pyle asked how is disability defined? Is it the federal definition?
  - Aaron Wichman said he had not thought it through, but stated that anyone who feels they are disabled should know that they feel welcomed.
  - The motion to approve the resolution with friendly amendment to include "gender identity and gender presentation" was approved unanimously. It should be noted that there was one abstention.
  
5. Elections for new University Senate officers (Chair, Vice Chair, Secretary)
  - Chair Crowder took nominations for 2015-2016 officers from the floor.
  - Lloren Foster nominated Molly Kerby as Senate Chair (2<sup>nd</sup> Marilyn Gardner); Kerby respectfully declined the nomination.
  - Robert Dietle nominated Kate Hudepohl (2<sup>nd</sup> Heidi Álvarez). Hudepohl accepted the nomination for Chair.
  - Bryan Reaka nominated Julie Shadoan. Julie Shadoan declined the nomination.
  - A motion to close nominations for Chair of the Senate by Bryan Reaka was seconded by Gayle Mallinger.
  - Kate Hudepohl was elected by acclamation as the 2015-2016 Senate Chair.
  - Chair Crowder then took nominations for 2015-16 Vice-Chair.
  - Laura DeLancey nominated Julie Shadoan as Vice Chair (2<sup>nd</sup> Heidi Álvarez). Shadoan accepted the nomination for Vice Chair.
  - Beverly Siegrist nominated Dawn Gannett Wright (2<sup>nd</sup> Liz Sturgeon). Dawn Gannett Wright was not present to accept the nomination, but Siegrist said she had talked to her and Dawn Gannett Wright was willing to serve as a senate officer.
  - Robert Dietle made a motion to close the nominations (2<sup>nd</sup> Patricia Minter).
  - A paper ballot was distributed and tallied by Vice Chair Jennifer Hanley.
  - Julie Shadoan was elected as Vice Chair for 2015-2016. Shadoan received 30 votes and Garrett Wright received 15 votes.
  - Chair Crowder opened the floor for nominations for 2015-16 Secretary.
  - Beverly Siegrist nominated Dawn Garrett Wright (2<sup>nd</sup> Martha Day).
  - Lloren Foster nominated Laura DeLancey. Laura DeLancey declined the nomination.
  - Patricia Minter nominated Heidi Álvarez (2<sup>nd</sup> Gayle Mallinger). Heidi Álvarez accepted the nomination.
  - Bryan Reaka made a motion to close the nominations for secretary (2<sup>nd</sup> Julie Shadoan).

- Vice Chair Hanley distributed a paper ballot and tallied the votes. Dawn Gannett Wright received 13 votes and Heidi Álvarez received 31 votes.
  - Heidi Álvarez was reelected as Secretary for 2015-16.
  - The new University Senate officers for 2015-16 are:
    - Kate Hudepohl (Chair)
    - Julie Shadoan (Vice Chair)
    - Heidi Álvarez (Secretary)
6. Caucus for standing committee memberships
- Chair Crowder then went over the process for caucusing for standing committee memberships.
  - There will not be caucusing for colonnade. There will be caucusing for all standing committees except for Graduate Council (this is selected differently). The colonnade caucusing will happen in the fall after the charter changes are approved. All other standing committees are represented.
  - Each college receives a caucusing sheet for each of the standing committees. Please fill in two blanks – the first is for the primary member and the 2<sup>nd</sup> is for the alternate.
  - Results of the caucus will be attached to this document.

**G. Information items**

1. University of Oregon – Confucius Institute Oversight document
2. Anthem Limitations and Exclusions List
3. HR notification email regarding non-compliant employees for Tier I activities

Patricia Minter made a motion to adjourn following the caucus (2<sup>nd</sup> Jennifer Hanley). The meeting adjourned at 5:30 PM.

Respectfully Submitted,

Heidi Álvarez  
Secretary





**POLICY & PROCEDURE DOCUMENT**

NUMBER: 1.3002  
DIVISION: Academic Affairs  
TITLE: Equal Treatment of Students  
DATE: May 5, 1998  
REVISED: March 21, 2011, April 27, 2015

AUTHORIZED: Gordon Emslie, Provost and Vice President for Academic Affairs

**I. Purpose and Scope**

**II. Policy**

Western Kentucky University is committed to providing truly equal educational opportunities for all students. An important component of that commitment is to insure that all students, regardless of age, gender, race, religion, ethnicity, color, disability, veteran's status, marital status, or sexual orientation, or gender identity/expression feel welcome on campus, in the classroom, and in their interactions with faculty and staff. The Council of Academic Deans affirms this commitment and reinforces the expectation that all faculty and staff will conduct themselves in such a manner that all students feel they are treated equally and fairly at the university.

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**III. Procedure**

Students who believe they have experienced any discrimination at Western should feel free to report it to a faculty member, a department head, a dean, or to any administrative official. Anyone receiving such a report should take it seriously and pass it on to appropriate deans or supervisors for further investigation and any needed action.

**IV. Related Policies**

**V. Reasons for Revision**

March 2011

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The phrase "sexual orientation" was added to the list of characteristics in Section II.

**April 2015**

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The phrases "age", "color", "disability", "veteran's status", "marital status"- and "gender identity/expression" were added to the list of characteristics in Section II.



**WKU**<sup>®</sup>

**OFFICE OF THE PRESIDENT**

Telephone: 270.745.4346

Facsimile: 270.745.4492

May 4, 2015

**MEMORANDUM**

TO: Dr. Margaret Crowder, Chair, University Senate

FROM: Gary A. Ransdell *Gary*

SUBJECT: Senate Resolutions

Thank you forwarding to me several resolutions originating in the University Senate. I will respond to each one in this reply.

- 1) Language recommendations related to the equal treatment of students policy.

I fully agree with the resolution to include "disability" and "gender identity/expression" to the list of characteristics listed in the policy and will ask that policy 1.3001 be amended accordingly.

- 2) Support of the SGA resolution in opposition to the proposed increase in the students' athletic fee.

While I am happy to receive this resolution, the final action on the tuition and fees budget for fall 2015 was approved at the Board of Regents' meeting on Friday, April 24. Faculty Regent Barbara Burch described the Senate's position in this regard and Student Regent Nicki Taylor described the position of SGA in this matter as well. As is their individual and collective prerogative, however, the 11 members of the Board often have differing views. The final vote to approve the tuition and fee schedule was 8 to 3 in favor of submitting the tuition and fee schedule as recommended by the Finance and Budget Committee of the Board following its discussion of these matters at the Finance and Budget Committee meeting on March 27. There are a couple of points that deserve clarification in this regard. This action, which includes the two fee adjustments for Athletics and Student Activities, relates only to the FY 2015-16 budget. This action does not constitute an automatic increase in future years. Any future increases would need to be reviewed and acted upon in any future annual budget. Secondly, this action in no way limits academic departments or even entire colleges from implementing academic course fees or other fees relative to meeting cost demands in given disciplines, departments, or colleges. Those actions are typically handled through appropriate academic circles and approved by the Provost.

3) The next series of recommendations were related to the Confucius Institute.

I have complied with every request which has come to my attention from anyone who wished to make a recommendation regarding the Confucius Institute. Two deans (Sam Evans and David Lee) serve on the Confucius Institute Board of Directors. Two members of the faculty (Janet Applin and John Gottfried) are serving as a committee to help determine how the new Confucius Institute building will be conceived, built, and utilized going forward. Three faculty (Martha Day, Laura McGee, and Qin Zhao) will serve as an advisory committee for the Confucius Institute and its programming, funding, and general operations going forward. The other recommendation dealt with adding a position to the Steering Committee and fill it with a member of the Asian Studies faculty. It is my belief that three members of the committee is sufficient, and I valued the input of both Deans in determining who is best to serve in an advisory capacity to the Confucius Institute. I have also shared with the Academic Quality Committee of the Senate the contract which I signed in December related to funding for the new building. I have, therefore, completed two of these three recommendations (created an advisory steering committee and expanded faculty input into the plans for the new building). The building, by the way, like any other building on our campus is, of course, open to use by any group on campus. The Confucius Institute staff will set up a means through which anyone on campus can reserve the building for appropriate programmatic use.

The other recommendation that I am not prepared to do is alter the campus reporting structure. Dr. Wei-Ping Pan serves as the Assistant to the President for Chinese Relations. This is a part-time position which also includes Dr. Pan's role as Director of the Confucius Institute. The Confucius Institute reports directly to me. I enjoy my work with the Confucius Institute and with Hanban and choose not to relinquish that direct engagement. I have personally worked diligently over the last several years to build a strong relationship with Madame Xu Lin, the Director General of Hanban, and will continue to do so.

As I have indicated in previous communiqués, the Confucius Institute is a programmatic element and should not be directly engaged in matters related to curriculum and academic course content. Yes, Hanban has funded a couple of positions in the Department of Modern Languages, but was not involved in the selection, appointment, or academic orientation with either of those faculty positions. Those positions, much like dozens of privately funded faculty positions across campus, are beneficiaries of the financial support from a private benefactor. The benefactor, however, (in this case Hanban) does not affect, to my knowledge, the content of their teaching or their courses.

The Teacher Certification program is entirely under the guidance of the Dean and faculty in the College of Education. I have confidence in Dean Evans and his faculty and staff to properly administer the Kentucky Teacher Certification dynamics through the Department of Education and the Education Practice Standards Board for Kentucky.

Memorandum to Dr. Margaret Crowder  
Page 3  
May 4, 2015

Our U.S. relationship with China, in my opinion, is our most important international dynamic. Most of our global challenges will be easier to address if we can work with China in positive ways. It is incumbent on us to work with China to find solutions—from the economy to the environment. I intend to help guide the Confucius Institute in constructive ways which help our students engage China in thoughtful ways.

Please communicate this response as you deem appropriate. Thank you for the Senate's continuing engagement in these and so many other important matters. Your recommendations are appreciated.

GAR:sh

xc: Dr. Gordon Emslie, Provost and Vice President for Academic Affairs





## POLICY & PROCEDURE DOCUMENT

NUMBER: 0.2040

DIVISION: General University

TITLE: **Discrimination and Harassment Policy**

DATE: April 1, 2013

Authorized: President

### I. Purpose and Scope

- A. The purpose of this policy is to establish a procedure for investigating and responding to reports / complaints of discrimination involving students, employees and/or third parties in a prompt and equitable manner without placing an unreasonable burden on the complainant or University.
- B. Western Kentucky University is committed to providing a working and learning environment that is free from discrimination and harassment. Discrimination and harassment, and/or retaliation against anyone who makes a complaint or participates in the complaint process are prohibited and shall not be tolerated.
- C. The University specifically reserves the right to modify and/or amend any or all of the procedure(s) outlined herein at any time as circumstances may require. As may be applicable, the affected parties will be notified in the event circumstances arise which warrant procedural amendments.
- D. Conduct prohibited under this policy does not include verbal expressions or written material that is relevant and related to course subject matter or curriculum, and this policy shall not abridge academic freedom or the University's educational mission.

*This policy does not supersede or replace any grievance or complaint procedures contained in the Faculty Handbook.*

*This policy supersedes and replaces: 4.8302, Policy Against Sexual Harassment.*

### II. Definitions:

- A. **Discrimination**: an action or behavior that results in negative or different treatment of an individual based upon race, color, ethnic origin, national origin, creed, religion, political

belief, gender, sexual orientation, marital status, age, uniform service, veteran status, or physical or mental disability.

- B. **Harassment:** any physical, behavioral or verbal abuse of a person based upon gender, race, color, ethnic origin, national origin, creed, religion, political belief, sexual orientation, marital status, age, uniform service, veteran status, or physical or mental disability, where:
1. Tolerance of or participation in the offensive conduct explicitly or implicitly becomes a condition of employment or participation in a university course, program or activity; or
  2. The conduct is sufficiently severe, pervasive or persistent to interfere with an individual's work, academic or program participation; or
  3. The conduct creates an environment that a reasonable person would consider intimidating, hostile, or offensive.
- C. **Sexual Harassment:** unwelcome\* sexual advances, requests for sexual favors, or other verbal or physical behavior of a sexual nature, where:
1. Tolerance of or participation in the offensive conduct explicitly or implicitly becomes a condition of employment or participation in a university course, program or activity; or
  2. The conduct is sufficiently severe, pervasive or persistent as to interfere with an individual's work, academic or program participation; or
  3. The conduct creates an environment that a reasonable person would consider intimidating, hostile or offensive.
- D. **Hostile Work Environment:** Actions or behavior which discriminate against a member of a protected classification (i.e., gender, race, color, ethnic origin, national origin, creed, religion, political belief, sexual orientation, marital status, age, uniform service, veteran status, or physical or mental disability), and are severe and pervasive to the extent that the actions or behavior interfere with an employee's ability to perform his or her job or interfere with a student's access to educational opportunities.
- E. **Retaliation:** Retaliation occurs when an adverse action is taken against an individual because he or she reported a violation of this policy, filed a formal complaint or participated in an investigation of a discrimination report.
- F. **Members of the University Community:** Members of the University Community are its faculty, staff, students, and volunteers, as well as customers and visitors of the University.

\*NOTE: An apparently "welcome" or consensual relationship may be or become unwelcomed / nonconsensual where one party's status is "subordinate" to that of the other.



G. Consensual Relationships:

1. If a consensual relationship between a faculty member and a student whom the faculty member evaluates, advises, or supervises, exists currently or in the past, the faculty member must report the relationship to the dean, department chair or supervisor so that suitable arrangements can be made for an objective evaluation of the student , in accordance with:

[Policy & Procedure Document No: 1.1011, Consensual Relations Between Faculty And Students](#)

2. If a consensual relationship between two WKU employees develops or exists, and one employee's position or status is "subordinate" to that of the other party (i.e. the other party to the relationship is in a position which evaluates or supervises the other), both employees are required to report the relationship to the Director of Human Resources so that suitable arrangements can be made to insure objective evaluation and/or supervision of the subordinate employee in accordance with:

[Policy and Procedures Document No: 4.2302](#)

**III. Procedure**

- A. A person experiencing discrimination or harassment but who does not desire to make a formal report may consider the following alternatives:

- Contacting the [WKU University Ombuds Officer for information and guidance](#); and/or,
- Clearly informing the alleged offender / harasser that the behavior is offensive, unwelcome and will not be tolerated.

- B. Formal Report / Procedure: Emphasis shall be on getting at the facts, assuring those facts are reported accurately to the proper authority, and providing a decision based on verifiable information.

1. Stage I / Initial Report

- a) A complaint of discrimination or harassment should be submitted within thirty (30) calendar days of the most recently alleged discriminatory, harassing or retaliatory action to at least one of the reporting officials identified in **item III.B.1.b.**, below.
- b) Any individual who believes he/she may have experienced or observed conduct which is in violation of this policy should report this information immediately to one of the following "reporting officials":
  - 1) Equal Opportunity/504/ADA Compliance Director (EEO)
  - 2) Director of Human Resources
  - 3) Vice President for Student Affairs and Development
  - 4) Vice Provost (Office of Academic Affairs)

Contact information for each reporting official is located at the end of this policy.

- c) Any dean, director, faculty member, department head, manager, supervisor, or other individual with supervisory or administrative responsibility who learns of or receives information that conduct in violation of this policy has occurred or is occurring must immediately report that information to at least one of the reporting officials identified in item III.B.1.b.
- d) Reports/complaints received by Director of Human Resources, the Vice President for Student Affairs and Development, and/or the Vice Provost will, in turn, be immediately reported to the EEO, who will either initiate stage 2, or if the report / complaint is an allegation of student to student violation of the policy, the EEO will refer the report / complaint to the Vice President for Student Affairs and Development, who will initiate stage 2.

## 2. Stage 2 / Investigation

- a) Investigator: Responsibility for Investigation of discrimination or harassment complaints:
  - 1) Student to student violations: A report or complaint brought forward by a student where the accused is a student shall be investigated by the Vice President for Student Affairs and Development or his/her designee.
  - 2) Non-student to student violations: Reports or complaints brought forward by a student where the accused is an employee or non-university person (ex: visitor) shall be investigated by the EEO.
  - 3) All other violations: Reports or complaints brought forward by a university employee or non-university person (ex: visitor), regardless of the status of the person accused, shall be investigated by the EEO.

The President has the authority to appoint an alternate investigator as circumstances require and at his/her sole discretion.

- b) Interviews: Upon receipt of the initial report, the investigator will arrange to interview the complainant, respondent and any witnesses identified by the parties as being necessary to the investigation.
- c) Retaliation: All parties involved in the investigation will be informed that retaliation is prohibited against anyone making or participating in the investigation of a complaint. If retaliation is found to have occurred, that may be grounds for immediate termination of employment or expulsion from the university even in the absence of a finding of discrimination.
- d) Determination: In determining whether alleged conduct constitutes a violation of this policy, the record as a whole will be considered, as well as the totality of the circumstances. This means that the nature of the alleged conduct and the context in which the alleged conduct occurred will be examined and evaluated to determine whether the totality of the evidence creates a violation of University policy.
- e) Time Frame: The investigator shall make a good faith effort to complete the investigation within sixty (60) days of the complaint being filed with the investigator. However, the investigation period may be extended if the investigator believes it necessary for a full and complete investigation.

- f) Standard: The investigator will review the information, using a *preponderance of the evidence* standard (i.e. more likely than not) to determine whether a violation of the policy has occurred.

3. Stage 3 / Findings and Resolution

- a) Finding of No Violation: If the investigator finds that a violation of this policy has not occurred, the investigator will notify the complainant and the alleged offender of the finding in writing. Other parties will be notified as follows:

- 1) Student to student violation: If the complainant and accused are students, the investigator may also inform other administrators as appropriate.
- 2) Employee to student or employee violation: If the complainant is a student or university employee and the accused is a university employee, a copy of the finding will be provided to the alleged offender's department/unit head and immediate supervisor, and the Vice Provost (if the accused is a faculty member) or the Director of Human Resources (if the accused is a staff member). The investigator may also inform other administrators as appropriate.
- 3) Non-university person to student / employee: If the complainant is a student or university employee and the accused is a non-university person, a copy of the report will be provided to the Chief of the WKU Police Department. The investigator may also inform other administrators as appropriate.

b) Finding of Violation:

- 1) Student to student violation: If the investigator determines that a violation has occurred, the investigator will notify the complainant and accused, the Office of Judicial Affairs and other administrators, as the investigator deems appropriate.

The Office of Judicial Affairs shall determine an appropriate sanction in accordance with the Student Handbook.

- 2) All other violations: If the investigator determines that a violation has occurred, the investigator will notify the complainant and accused, and:
  - i. If the violator is a student, the Office of Judicial Affairs, which shall determine the appropriate sanction in accordance with the Student Handbook.
  - ii. If the violator is an employee, the offending party's department/unit head and immediate supervisor, and the Vice Provost (if the violator is a faculty member) or the Director of Human Resources (if the violator is a staff member). The EEO may also inform other administrators as appropriate.

c) Corrective Action for Employee Violation:

- 1) The offending party's supervisor shall consider the severity, persistence and pervasiveness of the conduct in determining the corrective action to be taken.
- 2) The department/unit head and supervisor shall consult with his/her successive levels of administration to determine what action, if any, is to be taken against the offending party in accordance with University disciplinary policies/procedures. The determination shall occur and be implemented as soon as possible. The EEO and the Director of Human Resources shall be informed of the disciplinary action.
- 3) In addition to the procedures outlined herein, discrimination and harassment complaints may be filed with the U.S. Equal Employment Opportunity Commission or U.S. Department of Education, Office for Civil Rights. Any complaint filed under the University's policy shall be processed even if the complainant also files a complaint or suit with an outside agency, U.S. Equal Employment Opportunity Commission, or U.S. Department of Education, Office for Civil Rights. Contact information for these agencies: the Office for Civil Rights, U.S. Department of Education, The Wanamaker Building, Suite 515, 100 Penn Square East, Philadelphia, PA 19107, (215) 656-8548; the Kentucky Commission on Human Rights, 832 Capital Plaza, 500 Metro Street, Frankfort, Kentucky, 60601, (502) 595-4024 or (800) 292-5566; or the Equal Employment Opportunity Commission, 600 Martin Luther King, Jr. Place, Suite 269, Louisville, Kentucky 40202, (502) 582-5851.

**Reporting Officials:**

Director, Equal Opportunity / 504 / ADA  
Compliance Office  
Wetherby Administration Building #G- 33  
1906 College Heights Blvd #11009  
Bowling Green, KY 42101-11009  
(502) 745-5121

Director of Human Resources  
Wetherby Administration Building #G-25  
Bowling Green, KY 42101-11003  
(502) 745-5360

Vice President for Student Affairs  
Potter Hall #442  
1906 College Heights Blvd #11025  
Bowling Green, KY 42101-11025  
(502) 745-2791

Vice Provost, Office of the Provost  
Wetherby Administration Building #239  
1906 College Heights Blvd #11008  
Bowling Green, KY 42101-11008  
(502) 745-2297

**IV. Related Policies**

*See also:*

*1.1011 Consensual Relations Between Faculty and Students*

*1.3001 Equal Treatment of Students*

*4.8000 Standards of Conduct*

*4.8051 Workplace Violence*



**POLICY & PROCEDURE DOCUMENT**

**NUMBER: 0.2070**

**DIVISION: General University**

**TITLE: Title IX - Sexual Misconduct/Assault**

**DATE: June 16, 2014**

**POLICY & PROCEDURE FOR: All WKU Employees and Students**

**AUTHORIZED BY: President**

**I. PURPOSE AND SCOPE**

This policy sets forth guidelines and procedures intended to ensure that Western Kentucky University (WKU) continues to comply with the Violence against Women Reauthorization Act of 2013, and the Campus Sexual Violence Elimination Act of 2013.

Members of the WKU community, in addition to guests and visitors, have the right to be free from sexual misconduct and sexual violence. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. This policy is intended to establish a mechanism for determining when such conduct constitutes a violation of this policy.

When addressing student complaints, WKU reserves the right to take whatever measures it deems necessary to respond to an allegation of sexual misconduct/violence in order to protect students' rights and personal safety. **Such measures include, but are not limited to, modification of living arrangements, interim suspension from campus pending a hearing, and reporting the matter to the local police. Not all forms of sexual misconduct will be deemed as serious offenses, and the University reserves the right to impose different sanctions, ranging from a verbal warning to expulsion, depending on the severity of the offense.** The University will consider the concerns and rights of both the complainant and person accused of sexual misconduct.

***This policy does not supersede or replace the WKU Discrimination and Harassment Policy 0.2040.***

## II. DEFINITIONS

- A. ***Sexual misconduct/assault*** is defined as actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to, the following:
1. Intentional and unwelcome touching, coercing, or an attempt to coerce, and forcing;
  2. Involvement in any sexual contact when the victim is unable to consent;
  3. Forcing another individual to touch a person's intimate parts (defined as genital area, groin, inner thigh, buttocks, or breasts);
  4. Sexual intercourse without consent, including acts commonly referred to as 'rape'.
- B. ***Consent*** is informed, freely given, and mutual. Further descriptions are noted below:
1. If coercion, intimidation, threats, or physical force are used, there is no consent;
  2. If a person is mentally or physically incapacitated, or impaired, so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol, drug consumption, being asleep, or unconscious;
  3. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim;
  4. Silence does not necessarily constitute consent;
  5. Past consent to sexual activities does not imply ongoing future consent;
  6. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.
- C. ***Inducing incapacitation for sexual purposes*** includes using drugs, alcohol, or other means with the intent to affect or have an actual effect on the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact.
- D. ***Sexual exploitation*** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include, but are not limited to, the following:
1. Prostituting another person;
  2. Non-consensual visual (e.g., video, photograph, etc.) or audio-recording of sexual activity;
  3. Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
  4. Engaging in or facilitating non-consensual voyeurism.
- E. ***Relationship violence*** is abuse or violence between partners or former partners involving one or more of the following elements:
1. Battering that causes bodily injury;
  2. Purposely or knowingly causing reasonable apprehension of bodily injury;
  3. Emotional abuse creating apprehension of bodily injury or property damage;

4. Repeated telephonic, electronic, or other forms of communication -- anonymously or directly -- made with the intent to intimidate, terrify, harass, or threaten.
- F. **Stalking** includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other action, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear of bodily injury or death.
- G. **Retaliation** is action taken by an accused individual or third party against any person because that person opposed any practices forbidden under this policy, or because that person filed a complaint, testified, assisted, or participated in any manner in an investigation or proceeding under this policy. Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation in an investigation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this policy.

### III. REPORTING SEXUAL MISCONDUCT/ASSAULT

#### A. Mandatory Employee Reporting:

1. In order to enable WKU to respond effectively and/or proactively stop instances of sexual misconduct/assault involving students at the University, all WKU employees (e.g., part-time, full-time, temporary, intermittent, etc.) must report information they have about alleged or possible sexual misconduct/assault involving student-to-student concerns to the Office of Judicial Affairs (OJA), and concerns involving, but not limited to, employee-to-student, employee-to-employee, and student-to-employee to the office of Equal Employment Opportunity / Affirmative Action / University ADA Services (EEO), within 24 hours of receiving such information;
2. Employees who are statutorily prohibited from reporting such information, such as licensed health-care professionals, are exempt from these reporting requirements.
3. Upon receiving a report of alleged or possible sex-based discrimination, sexual harassment, or sexual misconduct/assault involving students only, the OJA will:
  - a) Immediately notify the University Title IX Coordinator;
  - b) Evaluate the information received and determine what further actions should be taken;
  - c) The OJA will follow the procedures described in the Discrimination Grievance Procedures, and take steps, either directly with the complainant or through a reporting employee, to provide information about the University's Sexual Assault – Sexual Misconduct Procedures, as well as available health and advocacy resources and options for criminal reporting.

#### B. Victims – Reporting and/or Seeking Assistance.



1. Victims should proceed to a safe place as soon as possible and try to preserve physical evidence.
2. Victims may seek assistance, support, and information, from any or all of the following:
  - a) WKU Police Department at (270) 745-2548
  - b) WKU Counseling Services at (270) 745-3159
  - c) WKU Office of Judicial Affairs at (270) 745-5429
  - d) WKU Equal Employment Opportunity/Affirmative Action/University ADA Services at (270) 745-5121
  - e) WKU Title IX Coordinator at (270) 745-5398
  - f) Additional Resources:

**Resources from the WKU Handbook**

[http://www.wku.edu/handbook/campus\\_community\\_resources.php](http://www.wku.edu/handbook/campus_community_resources.php)

[http://www.wku.edu/handbook/deputy\\_coordinators.php](http://www.wku.edu/handbook/deputy_coordinators.php)

**Personal Services**

<http://www.wku.edu/police/>

<http://www.wku.edu/heretohelp/>

[www.guidanceresources.com](http://www.guidanceresources.com) (company ID ZB3042Q)

<http://www.hopeharbor.net/>

<http://www.lifeskills.com/>

<http://www.wku.edu/housing/halls/staff/index.php>

**Medical Services**

<http://www.wku.edu/healthservices/>

<http://www.mcbg.org/>

<http://tristargreenviewregional.com/home/index.dot>

**Resources from the WKU Glasgow Campus**

[www.lifeskills.com/cs](http://www.lifeskills.com/cs)

**Resources from WKU Elizabethtown/Fort Knox Campus**

<http://www.communicare.org/hardin.asp>

**Resources from the WKU Owensboro Campus**

[www.nbowensboro.org](http://www.nbowensboro.org)

[www.rvbh.com](http://www.rvbh.com)

3. Victims should report sexual misconduct/assault to any of the following:
  - a) WKU Police Department at (270) 745-2548 or call 911
  - b) WKU Office of Judicial Affairs at (270) 745-5429
  - c) WKU Equal Employment Opportunity/Affirmative Action/University ADA Services at (270) 745-5121

d) WKU Title IX Coordinator at (270) 745-5398

4. Victims may also seek assistance from, or report allegations of sexual misconduct, to any of the WKU Title IX Deputies, who are identified on Appendix A to this policy.
5. If the assault did not occur on campus, the above offices and officials will assist the victim with determining how and where to file a police report.

#### IV. FILING A FORMAL COMPLAINT

A. Formal Criminal Complaints: *Filing* a formal **criminal** complaint is different from *reporting* an incident. A formal complaint is a request for the University to investigate an incident and take appropriate action(s).

1. Persons wishing to file a formal **criminal** complaint of sexual misconduct/assault, domestic violence, dating violence, or stalking will be directed, and whenever possible escorted, to the WKU Police Department, which is primarily responsible for investigating and supervising University investigations of these complaints;
2. A complainant filing a formal **criminal** complaint is not foreclosed from also filing a formal University complaint;
3. All formal **criminal** complaints will be investigated consistent with applicable legal requirements and customary law enforcement practices. Accusers will be informed promptly of available support services, as well as legal and administrative options, if reasonably available, such as changes to housing assignments, in addition to academic and/or work schedules;
4. Accusers will be informed about the outcome of any investigation undertaken by the WKU Police Department. Under appropriate circumstances, the University will inform the campus community of reports involving sexual misconduct/assault, domestic violence, dating violence, or stalking without identifying the victim.

B. Formal University Complaints:

1. Formal **University** complaints may be reported to the Title IX Coordinator, who will designate the appropriate investigator;
2. A complainant filing a formal **University** complaint is not prohibited from also filing a formal criminal complaint;
3. The complainant may decide to withhold consent for the disclosure of his or her name, or other identifiable information to the alleged perpetrator; however, it should be noted that if this does occur, the University's ability to respond to the complaint may be limited;
4. A formal **University** complaint may be brought forward by someone other than the complainant. Although the complainant has the right not to file a formal complaint, there may be circumstances, such as the status of the

alleged assailant or the seriousness of the offense, in which the University must investigate and take action to protect the complainant or other members of the WKU community;

5. In addition to pursuing administrative penalties and remedies, the complainant maintains the right to pursue criminal charges;
6. Both the complainant and the accused shall be informed of the outcome, defined as the University's final conclusion about the complaint and agreed upon sanction (if applicable), of any institutional disciplinary proceeding brought forward alleging a sex offense;
7. The complainant and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding;
8. A student complainant has the right to change University housing and academic arrangements if such changes are reasonably available.

## **V. INVESTIGATION PROCEDURES**

### **A. Receipt of a Report:**

1. The Title IX Coordinator should be informed of all complaints and/or reports by the Title IX Deputies, faculty, staff, or students within 24 hours of receipt of a complaint and/or report.
2. All employee-related concerns should be reported to and handled by EEO.
3. The Director of Judicial Affairs shall be responsible for investigating reports involving student-to-student concerns by utilizing the following:
  - a) Both the complainant and the respondent will be:
    - I. Provided periodic status updates regarding the investigation;
    - II. Receive notification of the outcome;
    - III. Be informed of his/her right to appeal.
  - b) The OJA Director will evaluate and consider mechanisms for remedies which address both individual and community safety, including implementation of no contact orders, academic support, and adjustment of academic schedules or living arrangements.
  - c) The OJA Director will provide both the complainant and the accused with information concerning counseling or emotional support.
  - d) The OJA Director will establish contact with the accused as soon as possible following the report.
  - e) The OJA Director will have notified the student(s) in writing as to the time and place of the conference to be held by the University Disciplinary Committee (UDC) for student disciplinary matters, the nature of the problem or charge, and the information against the student(s). The Title IX Coordinator will oversee methods for concluding disciplinary action

involving, but not limited to, employee-to-student, employee-to-employee, and student-to-employee concerns.

4. Notification to the student(s) shall be made at least three days before the hearing is held. The student will meet with the Director of Judicial Affairs or his/her designee to discuss the UDC process and sign a conference consent form. In the student's absence, a written report of facts related to the case and all related documents will be presented and reviewed by the UDC. A decision will be made as to whether or not a violation of misconduct occurred and an appropriate sanction will be levied at that time. The Title IX Coordinator will oversee methods for concluding disciplinary action involving, but not limited to, employee-to-student, employee-to-employee, and student-to-employee concerns.
5. The Director of Judicial Affairs and other persons on the staff shall provide the committee with a written report facts related to the case. The designated investigator for cases involving, but not limited to, employee-to-student, employee-to-employee, and student-to-employee concerns will provide a written report of facts related to the case to the Title IX Coordinator.
6. If so desired, the student(s) may be accompanied at the hearing by a WKU faculty, staff, fellow student, or any third party approved by the University. Written approval must be secured at least three working days prior to the conference.
7. Persons accompanying the student may advise, but not represent and/or address the UDC in any fashion without permission from the UDC Chairperson.
8. Due to the delicate nature of the conference and because of the need to protect confidential records and the alleged victim, these meetings shall be otherwise closed.

## **VI. SANCTIONS AND CORRECTIVE ACTION**

- A. If the accused perpetrator of the sexual misconduct/assault is a WKU student, the provisions of the student judicial process will apply, and may include disciplinary action if the assailant is found to be in violation of this policy.
- B. If the accused perpetrator of the assault / misconduct is a WKU employee, disciplinary action up to termination may be taken if the assailant is found to be in violation of this policy.

#### **IV. Related Policies**

[0.2040 Discrimination and Harassment Policy](#)

[1.1011 Consensual Relations Between Faculty and Students](#)

[4.8000 Standards of Conduct](#)

[4.8051 Workplace Violence](#)

[4.8500 Disciplinary Action](#)

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## Appendix A

### **WKU Title IX Coordinator:**

Ms. Andrea Anderson, Assistant General Counsel  
Office of the General Counsel, (270) 745-5398

### **WKU Title IX Deputies/Investigators:**

Mr. Michael Crowe, Jr., Director  
Office of Judicial Affairs, (270) 745-5429

Mr. Joshua Hayes, Director  
Equal Employment Opportunity, (270) 745-5121

### **WKU Title IX Deputies:**

Mr. Tony Glisson, Director - Department of Human Resources  
(270) 745-5360

Ms. Lisa Schneider, Assistant to Director - Department of Athletics  
(270) 745-5276

Ms. Gail Ledford, Coordinator for Student Services  
Elizabethtown/Fort Knox Campus, (270) 706-8874

Dr. Richard Miller, Vice Provost/Chief Diversity Officer  
Academic Affairs & Provost's Office, (270) 745-5468

Mr. Dominic Ossello, Staff Services' Commander - Police Department  
(270) 745-2548

Ms. Kit Tolbert, Director of Housing Operations  
Housing & Residence Life, (270) 745-2100

Mr. Bill Walter, Regional Vice Chancellor - Glasgow Campus  
(270) 659-6936

Ms. Cynthia Wedding, Office Coordinator - Owensboro Campus  
(270) 684-9797

Ms. Deborah Wilkins, General Counsel – Office of the General Counsel  
(270) 745-5398

