

1.01 - DISCRIMINATION AND HARASSMENT PREVENTION

Effective: XXX, 2026

Purpose: Emporia State University is committed to maintaining employment, educational, living, and program environments that are free from unlawful discrimination, discriminatory harassment, and retaliation. The University seeks to provide an environment in which members of the University community may participate fully in University employment, education, services, programs, and activities consistent with federal law, Kansas law, Kansas Board of Regents policy, and University policy.

Scope: This policy applies to all University employment, admissions, educational programs and activities, student services, housing, athletics, operations, and University-sponsored or University-controlled programs and activities, whether occurring on campus, off campus, online, or through electronic communication. This policy applies to faculty, staff, students, applicants for employment or admission, contractors, vendors, volunteers, visitors, guests, and participants in University programs or activities.

Responsible Office: Human Resources; Academic Affairs; Enrollment Management & Student Success; Athletics, Office of General Counsel; Title IX Office

Policy Statement: Emporia State University prohibits discrimination, discriminatory harassment, and retaliation based on race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, ancestry, age, disability, genetic information, marital status, parental or family status, veteran status, military or uniformed service status, sexual orientation, or any other status protected by applicable federal law, Kansas law, Kansas Board of Regents policy, or University policy.

The University expects all members of the University community to treat one another with professionalism, civility, and respect. This expectation does not limit rights protected by federal law, Kansas law, Kansas Board of Regents policy, or University policies governing academic freedom and free expression. Conduct that does not constitute discrimination, discriminatory harassment, or retaliation under this Policy may nevertheless be addressed through applicable University processes, including performance management, student conduct processes, professional standards, supervisory intervention, training, counseling, or other corrective action, when appropriate and consistent with applicable law and University policy.

The University will make decisions regarding employment, admissions, academic standing, student status, student discipline, access to programs and activities, and other University matters without regard to any protected status, except where consideration of a particular status is required or permitted by applicable law.

The University will take prompt and appropriate action to address conduct that violates this Policy, prevent recurrence where appropriate, and remedy discriminatory effects where required by law.

This policy shall be interpreted and applied consistently with applicable federal and state law and University policies governing academic freedom and free expression.

Relationship to Title IX Policy

Allegations involving Title IX sex discrimination, Title IX sexual harassment, or Title IX retaliation shall be addressed under the University's Title IX policy and procedures to the extent required by the legally effective Title IX regulations and controlling law applicable to the alleged conduct.

If alleged conduct does not fall within the University's Title IX policy but may violate this Policy or another University policy, the University may address the conduct under this policy, the applicable grievance procedure, or another appropriate University process.

Nothing in this policy limits the University's authority to provide supportive measures, interim measures, workplace adjustments, academic support, safety measures, or other appropriate actions consistent with applicable law and University policy.

Relationship to Kansas Law and Sex-Specific Programs, Facilities, and Activities

Matters relating to sex-specific programs, facilities, records, athletics, housing and related requirements shall be administered in accordance with the specific legal and policy framework applicable to the context at issue, including federal and state law, Kansas Board of Regents policy, and relevant University policies.

Where a more specific University policy addresses a sex-specific program, facility, record, activity, or requirement, that more specific policy shall control to the extent consistent with applicable law.

Prohibited Conduct

The following conduct is prohibited by this policy:

1. Discrimination based on a protected status;
2. Discriminatory harassment based on a protected status;
3. Retaliation;
4. Failure to provide a reasonable accommodation where required by law;
5. Interference with rights protected by this policy or applicable law;
6. Knowingly making a materially false statement in connection with a complaint, investigation, or resolution process; AND
7. Failure by an employee with reporting responsibilities to report suspected discrimination, harassment, or retaliation as required by University policy.

Individuals who make reports or participate in University processes in good faith shall not be subject to disciplinary action solely because allegations are not substantiated. Good faith

means the individual had a reasonable basis to believe the information reported was accurate at the time the report was made.

Reasonable Accommodations

The University will provide reasonable accommodations for qualified individuals with disabilities, pregnancy, childbirth or related medical conditions, and sincerely held religious beliefs or practices as required by applicable law.

The University will engage in an interactive process where required by law. Individuals requesting accommodations must follow the applicable University accommodation procedure. The University may require information necessary to evaluate the request, determine appropriate accommodations, and comply with applicable law.

The University prohibits discrimination or retaliation against an individual because the individual requested, received, declined, or participated in the accommodation process.

Leadership and Reporting Responsibilities

Supervisors, managers, department chairs, deans, and other individuals with leadership responsibilities are expected to take reasonable steps, within the scope of their authority, to:

1. Promote and maintain an environment free from discrimination, discriminatory harassment, and retaliation;
2. Promptly address or refer inappropriate conduct when observed or reported;
3. Report concerns as required by University policy or procedure;
4. Cooperate with investigations and other resolution processes;
5. Take reasonable steps to prevent retaliation; AND
6. Complete required training.

Employees designated by University policy or procedure as having reporting responsibilities must report covered conduct to the appropriate University office as required by the applicable policy or procedure. Confidential employees, privileged communications, licensed clinical services, legal counsel, and other legally protected communications shall be handled in accordance with applicable law and University policy.

Individuals who witness conduct that may violate this Policy are encouraged to report concerns, even when they are not directly affected by the conduct.

Any person may report discrimination, discriminatory harassment, retaliation, or other conduct that may violate this policy.

Reports may be made to:

1. The Office of Human Resources;
2. The Title IX Coordinator, for matters involving sex discrimination, sexual harassment, or Title IX-related concerns;
3. The Office of Student Conduct or other designated student affairs office, for student matters;
4. A supervisor, department chair, dean, director, or other University administrator;

5. University Police, where safety, criminal conduct, or emergency response may be involved; or
6. Any other office designated in an applicable University procedure.

Reports involving an immediate threat to health or safety should be made to University Police or 911.

Response to Reports and Complaints

Members of the University community who are requested to participate in a University investigation or review process are expected to cooperate honestly and completely, subject to applicable legal rights and collective bargaining agreements.

Upon receiving a report or complaint, the University will assess the information provided and determine the appropriate response. The response may include supportive or interim measures, referral to another University office, informal resolution where permitted, investigation, corrective action, disciplinary action, safety measures, or other appropriate action.

The University will address reports and complaints in a prompt, fair, and impartial manner consistent with applicable law and University procedure.

The University may consolidate related matters or address multiple policy issues in one process when appropriate and permitted by law.

Members of the University community who are requested to participate in a University investigation or review process are expected to cooperate honestly and completely, subject to applicable legal rights and collective bargaining agreements.

Retaliation allegations will be evaluated independently from the underlying complaint and may result in disciplinary action even when the underlying complaint is not substantiated.

Training

The University shall maintain appropriate discrimination, harassment, retaliation, accommodation, and reporting training for employees and other individuals as required by law, Kansas Board of Regents policy, or University policy.

Training may be coordinated by Human Resources, the Title IX Office, Academic Affairs, Enrollment Management and Student Success, Athletics, the Office of General Counsel, or other designated offices as appropriate.

The University shall maintain appropriate training records.

Corrective and Disciplinary Action

Individuals who violate this policy may be subject to corrective or disciplinary action, up to and including termination of employment, dismissal from the University, removal from University housing, removal from a University program or activity, exclusion from campus, termination of a contract, or other action permitted by law and University policy.

Corrective action may also include training, education, counseling, changes to work or academic arrangements, written warnings, performance management, no-contact directives, restrictions on participation in University programs or activities, or other measures designed to stop prohibited conduct, prevent recurrence, and remedy effects where appropriate.

Confidentiality and Privacy

The University will handle reports, complaints, investigations, and related records with appropriate privacy and discretion. The University will share information only with those who have a legitimate need to know, as required to assess or respond to the matter, as permitted or required by law, or as necessary to carry out University operations.

The University cannot guarantee complete confidentiality in all circumstances. Requests for confidentiality will be considered in light of the University's legal obligations, safety responsibilities, and obligation to provide an employment and educational environment free from unlawful discrimination, harassment, and retaliation.

External Reporting

Nothing in this Policy limits a person's right to file a complaint with an external agency, including, as applicable, the United States Department of Education Office for Civil Rights, the Equal Employment Opportunity Commission, the Kansas Human Rights Commission, or another federal or state agency with jurisdiction.

Definitions: All words and phrases shall be interpreted utilizing their plain meanings unless otherwise defined in another University or Board of Regents policy or by statute or regulation.

Complainant – An individual who is alleged to have experienced conduct that may violate this Policy.

Complaint – A request, whether written or otherwise permitted by applicable procedure, that the University investigate or resolve alleged conduct that may violate this policy.

Discrimination – Treating an individual or group adversely, differently, or less favorably because of a protected status in a manner that affects employment, education, access to University programs or activities, or another University benefit or opportunity. Discrimination may include, but is not limited to, adverse action in hiring, promotion, compensation, job

assignment, discipline, termination, admission, grading, academic progress, participation in programs or activities, housing, athletics, or access to University services because of a protected status.

Discriminatory Harassment – Unwelcome conduct based on a protected status that satisfies the applicable legal standard for the context in which the conduct occurs. In employment matters, harassment may violate this policy when enduring the conduct becomes a condition of continued employment or when the conduct is sufficiently severe or pervasive to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. In educational-access matters involving students, harassment must be conduct based on a protected status that is sufficiently severe, pervasive, and objectively offensive that it denies or limits a person's ability to participate in or benefit from the University's education program or activity, unless a different standard is required by controlling law. Discriminatory harassment may be verbal, physical, written, graphic, electronic, or other conduct. Whether conduct constitutes discriminatory harassment depends on the totality of the circumstances, including the nature, severity, frequency, duration, context, location, effect of the conduct, and whether the conduct is protected by law.

Protected Status – Any status, characteristic, or classification protected by applicable federal law, Kansas law, Kansas Board of Regents policy, or University policy, including race, color, religion, sex, pregnancy, childbirth or related medical conditions, national origin, ancestry, age, disability, genetic information, marital status, parental or family status, veteran status, military or uniformed service status, sexual orientation, and any other legally protected status. Protections relating to sex, sexual orientation, gender identity, or transgender status shall be interpreted and applied according to the legal framework governing the context at issue.

Reasonable Accommodation – A modification, adjustment, or change to a job, work environment, academic requirement, program, service, policy, practice, or procedure that enables a qualified individual to have equal employment or educational opportunity, unless the accommodation would impose an undue hardship, fundamentally alter a program or activity, create a direct threat, or otherwise not be required by law.

Report – Information provided to the University alleging conduct that may violate this Policy. A report does not necessarily initiate a formal grievance process unless required by applicable law or University procedure.

Respondent – An individual or entity alleged to have engaged in conduct that may violate this Policy or another applicable University policy.

Retaliation – Intimidation, threats, coercion, harassment, adverse employment or academic action, or other materially adverse conduct against a person because the person:

1. Made a report or complaint;

2. Participated or refused to participate in an investigation, hearing, grievance process, or other resolution process;
3. Requested an accommodation;
4. Opposed conduct reasonably believed to violate this policy;
5. Assisted another person in exercising rights under this policy;
6. Served as a witness, advisor, investigator, decision-maker, or other participant in a University process; OR
7. Exercised rights protected by federal law, Kansas law, Kansas Board of Regents policy, or University policy

Retaliation is prohibited regardless of whether the underlying report or complaint results in a finding of a policy violation.

Supportive or Interim Measures – Non-disciplinary, non-punitive individualized services, adjustments, or actions offered as appropriate and reasonably available to preserve access to University employment, education, programs, or activities; protect safety; address workplace or academic needs; or prevent further alleged misconduct while a matter is being reviewed or resolved. Supportive or interim measures may include, but are not limited to, academic adjustments, workplace adjustments, schedule changes, housing adjustments, campus no-contact directives, safety planning, counseling referrals, leave options, or other appropriate measures.

Procedures: All procedures linked and related to the policies above shall have the full force and effect of policy if said procedures have first been properly approved by the University's administrator in charge of Human Resources procedures, Athletics procedures, Academic Affairs procedures, Enrollment Management and Student Success procedures, and General University procedures.

[[Hyperlink to Human Resources procedures](#)]

[[Hyperlink to Academic Affairs procedures](#)]

[[Hyperlink to Student and Student Life procedures](#)]

[[Hyperlink to General University procedures](#)]

Related Policy Information: 1.02 – Role of Civil Rights Compliance Officer and Title IX Coordinator; 1.03 – Title IX Sexual Harassment, Discrimination, and Retaliation for Employees, Students, and Visitors; 1.04 – Grievance Procedures for Faculty, Staff, and Students; 1.07 - Use Of University Property For Free Expression Activities; 4.26 - Use of Controversial Material in Instruction, Including the Use of Sexually Explicit Materials in Instruction

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