As part of a standard reevaluation of policy and procedures, as well as an attempt to respond to the Dear Colleague Letter of April 4, 2011, the Office of Affirmative Action (OAA) updated the university’s Policy Prohibiting Discrimination, Harassment, and Sexual Violence and Procedure for Reviewing Complaints, PPM Chapter 3010. The OAA is updating its website to include resources for the campus community. A few of the resources provided is a list of Frequently Asked Questions, a handout guide for supervisors and administrators, and posters to educate the campus community that our office is there for them.

If you have any questions or comments about the policy or process, please contact a member of the OAA at 785.532.6220 between the hours of 8 a.m. to noon and 1 p.m. to 5 p.m. Monday through Friday.

Changes in the Policy Prohibiting Discrimination, Harassment, and Sexual Violence and Procedure for Reviewing Complaints effective August 31, 2011.

* Clarifies that the Policy covers all persons at the University or persons participating in University-sponsored programs.
* Provides guidance about when off-campus incidents will be investigated.
* Clarifies that the University may be obligated to conduct an investigation without a formal complaint.
* Establishes a goal of completing investigations within 60 days.
* Clarifies that the ART is tasked only with determining whether a violation of policy occurred.
* Clarifies that Policy violators can be excluded from campus, in addition to other sanctions.
* Clarifies that all persons covered by the Policy are required to fully cooperate with administrative reviews.
* Complaints must be filed within 60 (180 for sexual violence) calendar days of the alleged discrimination, harassment, or retaliation.
* Allows discipline against someone who violates the confidentiality provisions, in addition to filing false reports or intentionally providing misleading information.
* To prevent internal policy conflicts and possible violations of procedural due process rights, the Policy supercedes other policies or procedures that conflict with it.
* Incorporates GINA, which prohibits discrimination based on genetic information.
* The policy clarifies the difference between harassment at work and on-campus housing environment and in the academic environment to preserve First Amendment guarantees.
* The definitions of discrimination, harassment, and sexual harassment were revised to reflect existing law..
* Sexual violence is considered a form of sexual harassment and is therefore considered to be discrimination, and Title IX investigations and determinations of sexual violence discrimination will be carried out by OAA.
* Clarify the roles and responsibilities of the Administrative Review Team (ART), Responsible Administrator, Deciding Administrator, and the Appeal Administrator, and gave all persons covered by the Policy a similar process with the same standards of review. For instance, in cases involving a student or graduate student as the complainant, a representative of the Office of Student Life or the Graduate School may be on the ART as a Responsible Administrator. In regards to the Appeal Administrator for classified employees, the Peer Review Committee evaluates an appeal based upon the same standards required of Appeal Administrators, and shall make a written recommendation to the Deciding Administrator.
* Persons may submit complaints regarding sexual violence to the director of the Women’s Center (because virtually all sexual violence issues first come administratively to the Women’s Center), and a process was established to evaluate whether a Critical Incident Response Team review is appropriate in cases of alleged sexual violence.
* The complainant has an opportunity to appeal the decision of the ART if no violation found and must state every ground on which the appeal is based within ten (10) calendar days from the date of the ART’s determination letter was issued.
* If the ART determines that the policy was violated, then the ART will make a recommendation regarding sanctions. The Deciding Administrator decides the sanction and makes a decision after the expiration of the ten (10) day comment period. Complainants and respondents receive an additional opportunity to comment on the ART report and its findings before a sanction decision is made.
* If the Deciding Administrator imposes a sanction, then a written appeal may be submitted to the Appeal Administrator within ten (10) calendar days from the date of the Deciding Administrator’s written decision.
* Appeal Administrators’ reviews are focused on a paper review of the underlying investigation and sanction to prevent arbitrary and capricious decision making.

[Policy Prohibiting Discrimination, Harassment, and Sexual Violence, and Procedure for Reviewing Complaints.](http://www.k-state.edu/policies/ppm/3010.html)