



A Message from University of Kentucky
PRESIDENT ELI CAPILOUTO

Dear Campus Community,

With the strong backing of our Board of Trustees, one of the areas we've invested most heavily in over the last 10 years has been the health, safety and well-being of our campus community – investments in cameras, lighting and other technology as well as counselors, safety officials and support services.

Yet, there is always more to do as our work to ensure a community of belonging and acceptance is never finished. One issue that has been a point of continual evolution in recent years has been our regulations surrounding sexual harassment and other forms of sexual misconduct. In this area, we have also invested more. We have, for example, increased the number of staff in the Office of Institutional Equity and Equal Opportunity to ensure more personnel are available to respond to reports. And we are providing more training throughout our campus to increase awareness around the responsibilities we all share.

In recent years, as administrations in Washington have changed, so too have the guidance and federal law surrounding these tough issues. In May 2020, the United States Department of Education (DOE) issued regulations related to Title IX, which have the force of law. You can read those regulations here: <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-regs-unofficial.pdf>. These regulations require us to make some changes in how we adjudicate charges of sexual harassment under Title IX and sexual misconduct in our campus community.

Tomorrow, in accordance with federal deadlines, we will formally adopt a new interim regulation – Administrative Regulation 6.2 – that guides the procedures for handling these complex issues. The procedures our campus had in place were already largely in compliance with the new DOE Regulations, but this interim regulation brings the university into compliance with all aspects of these new policies.

A task force co-chaired by Martha Alexander, Executive Director in the Office of Institutional Equity and Equal Opportunity and Title IX Coordinator, and Dr. Jennifer Bird-Pollan, Robert G. Lawson Professor of Law, has been meeting for more than 18 months on these issues.

- You can view the membership of the task force here: <https://www.uky.edu/president/joint-working-group-sexual-assault-and-sexual-harassment-policies>.
- For a brief overview of the changes in the Interim Administrative Regulation, please go to this link: <https://www.uky.edu/eo/sites/www.uky.edu/eo/files/Fact%20Sheet.pdf>.

- You can read the interim regulation here: https://www.uky.edu/reg/sites/www.uky.edu/reg/files/files/ar/ar_6.2-interim-final_08_14_20_1.pdf.

The Office of Institutional Equity and Equal Opportunity will be offering information sessions on the interim regulation throughout the fall semester. The most significant changes involve the appellate rights of the parties, the right of the parties to have an attorney conduct direct cross examination and the scope of Administrative Regulation 6:2.

What has not – and will not – change is our commitment to victim/survivors and to ensuring that we handle these fraught issues with a sense of fairness for all parties involved. Victim/survivors, for example, can continue to report these issues to the Office of Institutional Equity and Equal Opportunity without triggering a formal complaint process, can speak with the VIP Center confidentially and can seek the resources they need to facilitate help and healing, even as they decide how to proceed.

Now, Dr. Bird-Pollan will lead a process to gather feedback throughout the campus in relation to the few points on which the U.S. Department of Education regulations give the University discretion. We will not solicit feedback on those issues where the new regulations do not give us discretion. And we will work with the University Senate, Staff Senate and Student Government to finalize a permanent Administrative Regulation 6:2 and, if necessary, revise a Governing Regulation for consideration by the Board of Trustees by the end of 2020. We will communicate in the coming weeks about our next steps in this process.

These are among the most difficult of issues for our campus and our society. We grapple every day with how to balance the needs of those who come forward with the obligation to provide due process. At the University of Kentucky, we have done much to honor those imperatives. I remain gratified to be part of a community that cares so much.

Eli Capilouto