



A Message from University of Kentucky
PRESIDENT ELI CAPILOUTO

Dear Campus Community,

Recently, the university announced the adoption of a new interim regulation—Administrative Regulation (A.R.) 6.2—that guides the procedures for how we determine responsibility for charges of sexual misconduct in our campus community, including sexual harassment under Title IX.

The adoption of this interim A.R. was in response to [a new set of regulations issued by the United States Department of Education](#) (DOE) in May 2020.

While the university has taken many steps to invest in — and ensure — the health, safety and well-being of our campus community, we know that our work must continue. In doing so, we must comply with all aspects of these new policies set forth by the DOE.

For more than 18 months, a committee with members of university leadership has been meeting to discuss how we can best serve our community while remaining in alignment with these new regulations.

Now, under the leadership of 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, a task force has asked our students, faculty and staff to provide feedback on the points on which the DOE regulations give the university discretion. You can view a list of these members and the task force's report [here](#).

After we receive feedback from our community members, we will work alongside the University Senate, Staff Senate and Student Government Association to finalize a permanent Administrative Regulation 6:2 and, if necessary, revise a Governing Regulation for Board of Trustees approval by the end of 2020.

We're asking our community to first [review this website](#) with more detailed information on the five areas in which the university has discretion to establish a rule that works best for our community. These areas include:

- Deciding whether to maintain the university's current policy to prohibit behavior beyond what is explicitly defined as sexual harassment in Title IX;

- Deciding whether the university’s policy should maintain its jurisdictional reach to have AR 6:2 apply to sexual harassment and sexual misconduct violations that occur outside of the U.S. on an education abroad program or occur in a student apartment off-campus;
- Deciding whether the university should continue to prohibit sexual exploitation regardless of it not being recognized as sexual harassment by the DOE regulation;
- Deciding whether the university should prioritize the development of and commission of additional research into an alternative dispute resolution process; and
- Deciding which standard of proof to use in the updated policy, including either “preponderance of the evidence”(meaning that there is slightly more than 50% certainty that the alleged conduct occurred) or a higher standard of proof, “clear and convincing evidence” (meaning that there is about 70-80% certainty that the alleged conduct occurred).

Members of the community are invited to provide feedback on all five areas through [this webform](#) that will be open until 5 p.m. on Monday, Oct. 5.

For additional information, you can view a brief overview of the changes in the Interim Administrative Regulation [here](#), and you can read the interim regulation [here](#).

Our Office of Institutional Equity and Equal Opportunity will be offering [information sessions](#) about the interim regulation throughout the remainder of the semester. Our commitment to supporting victim/survivors and, at the same time, to ensuring fairness to all parties, remains unwavering and is rooted in our foundation of cultivating a community that cares.

Victim/survivors can continue to report any issues to the Office of Institutional Equity and Equal Opportunity without triggering a formal complaint process and can speak with the VIP Center confidentially. The university will provide any additional resources a victim/survivor may need to facilitate help and healing, while respecting how they would like to proceed.

We deeply value and respect the feedback provided by our community. It is—and will continue to be—a core component in the university’s decisions related to sensitive and critically important issues such as these.

Eli Capilouto
President