

For these reasons, IEEO concludes there is enough evidence for a reasonable person to believe the alleged behavior occurred. The behavior described by Complainant 2 could constitute fondling in violation of AR 6:2 and does constitute sexual harassment in violation of AR 6:1.

- c. Complainant 1 alleges Respondent has created an environment in which they are expected to attend social events and drink heavily while at those events.

In regard to the allegation Respondent has created an environment in which his student are expected to drink heavily at social events, IEEO concludes the evidence supports this allegation. However, this behavior does not constitute a violation of AR 6:1, 6:2, or any other University policy of which IEEO is aware. Consequently, this behavior is not at issue in this matter.

IX. Recommendations

IEEO charges Respondent with four (4) policy violations. These violations include two violations of AR 6:1 and two violations of AR 6:2 as follows:

1. Sexual Harassment of Complainant 1 in violation of AR 6:1;
2. Sexual Harassment of Complainant 2 in violation of AR 6:1;
3. Fondling of Complainant 1 in violation of AR 6:2; and
4. Fondling of Complainant 2 in violation of AR 6:2.

AR 6:1 and AR 6:2 are separate policies with separate and distinct resolution procedures. For that reason, these charged violations will be resolved using separate procedures.

a. Violations of AR 6:1

In accord with AR 6:1, IEEO has forwarded this report to Nancy Cox, Dean of the College of Agriculture. For the violations of AR 6:1, IEEO recommends Respondent's employment with the University be terminated and his tenure as a faculty member be revoked pursuant to Governing Regulation X and KRS 164.230. IEEO also recommends the College of Agriculture take steps to ensure the students who participated in this investigation be insulated from retaliatory acts by Respondent and are not adversely affected by the outcome of this matter.

b. Violations of AR 6:2

IEEO recommends a hearing panel be convened in accord with the procedures outlined in AR 6:2. The hearing panel will determine whether Respondent is responsible for the charged policy violations of AR 6:2. IEEO further recommends the Hearing Panel issue appropriate sanctions in the event it determines Respondent is responsible for the violations of AR 6:2 listed above.