

SEXUAL MISCONDUCT

POLICY NUMBER: RESERVED FOR FUTURE USE

POLICY TYPE: ADMINISTRATIVE

RESPONSIBLE OFFICIAL TITLE: SR. ADVISOR TO THE PRESIDENT FOR INCLUSIVE EXCELLENCE

RESPONSIBLE OFFICE: INCLUSIVE EXCELLENCE

EFFECTIVE DATE: [CLICK HERE TO ENTER A DATE.](#)

NEXT REVIEW DATE: [CLICK HERE TO ENTER A DATE.](#)

SUPERSEDES POLICY DATED: 5/6/2015

REQUIRES LEGAL/COMPLIANCE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES I.T. POLICY COUNCIL REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES PROFESSIONAL CONCERNS COMMITTEE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES HUMAN RESOURCES REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES BOARD OF REGENTS APPROVAL:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

I. POLICY STATEMENT

Northern Kentucky University (NKU) is committed to fostering a safe and inclusive educational and work environment free from sexual misconduct, including sexual assault, non-consensual sexual contact, non-consensual sexual intercourse, sexual exploitation, sexual harassment, dating and intimate partner violence, relationship and domestic violence, stalking and gender-based bullying. Gender-based and sexual harassment, including sexual violence, are forms of sex discrimination in that they deny or limit an individual's ability to participate in or benefit from university educational programs or activities and employment.

The university fosters a safe and inclusive educational and work environment by providing educational and preventative programs regarding sexual or gender-based harassment; encouraging reporting of incidents and providing prompt and equitable methods of investigation and resolution; making available appropriate and timely services; remedying any harm, and preventing its recurrence. Violations of this policy may result in corrective action up to, and including, termination for faculty and staff, or sanctions up to and including expulsion for students, as determined by the university.

Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Nothing in this policy shall be construed to abridge academic freedom and inquiry, principles of free speech, or the University's educational mission.

II. REASON FOR POLICY

Northern Kentucky University is committed to fostering a safe and inclusive educational and work environment that is free from sexual misconduct and to ensuring our compliance with legal requirements.

III. AUTHORITY

In addition to being a violation of university policy, sexual misconduct is prohibited by state and federal laws, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the University's educational programs or activities and work environment; relevant sections of the Violence Against Women Reauthorization Act; Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of sex in

employment and Kentucky state laws and university policies that prohibit discrimination on the basis of sex.

IV. ENTITIES AFFECTED

This policy applies to all members of the NKU community, including faculty, staff, students, guests and visitors whether the behavior occurs on or off-campus at university sponsored events. It also applies to all participants in academic, co-curricular, research, training, or other programs or activities sponsored by NKU on or off campus.

V. NON-DISCRIMINATION STATEMENT

Northern Kentucky University does not discriminate based on national origin, race, color, age, gender, gender identity, gender expression, sexual orientation, religion, political affiliation, physical or mental disability, genetic information, pregnancy, and Uniform Services or veteran status in its educational programs and activities, employment, daily operations and admissions policies, in accordance with all applicable federal, state local laws and university policies. No retaliation shall be initiated against any person who makes a good faith report of a violation.

VI. DEFINITIONS

Administrators – Administrative officers and heads of major service units and/or departments. The designation of a position in this category must be made by the president.

Coercion: Unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Consensual Relationship - A romantic and/or sexual relationship in which a power differential does not exist and has been consented to by all parties. Consent must be given free from coercion or exploitation.

Consent: Consent is clear, knowing and voluntary. Consent is active, not passive. Silence, in and of itself, cannot be interpreted as consent. Verbal consent is not a requirement of this policy, however, consent *may* be given by words as long as those words create mutually understandable clear permission regarding willingness to engage in sexual activity.

Consent to any one form of sexual activity does not imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Kentucky law ([KRS §510.020](#)) states:

Lack of consent results from:

- a) Forcible compulsion;
- b) Incapacity to consent; or
- c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actors conduct.

A person is deemed incapable of giving consent if he or she is:

- a) Less than sixteen (16) years old;
- b) An individual with an intellectual disability or suffering from a mental illness;
- c) Mentally incapacitated;
- d) Physically helpless; or
- e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or agency.

Dating Violence: Violence committed by a person –

A. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

- B. where the existence of such a relationship shall be determined based on a consideration of the following factors:
1. the length of the relationship
 2. the type of the relationship
 3. the frequency of interaction between the persons involved in the relationship

Domestic Violence: Domestic violence can be defined as a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Kentucky law ([KRS §403.720](#)) defines domestic violence and abuse as:

- (1) Physical injury, serious physical injury, sexual abuse, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, or assault between family members or members of an unmarried couple.
- (2) "Family member" means a spouse, including a former spouse, a grandparent, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim.
- (3) "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple or a member of an unmarried couple who are living together or have formerly lived together.

Faculty – All those charged with academic instruction. The definition of academic instruction includes but is not limited to the following:

- Tenured and Tenure-track faculty
- Librarians
- Lecturers
- Graduate students with teaching responsibilities
- Academic Advisors and others who have a role in educating, supervising or advising students in university programs and disciplines
- Adjuncts, visiting and part-time faculty, and other instructional personnel.

Incapacitation: A state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the "who, what, when, where, why or how" of their sexual interaction). Incapacitation can be due to the use of drugs and/or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents an individual from having the capacity to give consent.

Kentucky law ([KRS §510.020](#)) states:

Lack of consent results from:

- a) Forcible compulsion;
- b) Incapacity to consent; or
- c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actors conduct.

A person is deemed incapable of giving consent if he or she is:

- a) Less than sixteen (16) years old;
- b) An individual with an intellectual disability or suffering from a mental illness;
- c) Mentally incapacitated;
- d) Physically helpless; or
- e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or agency.

Individual with an Intellectual Disability: Under Kentucky law ([KRS §510.010](#)), this means a person with significantly sub-average general intellectual functioning existing concurrently with deficits in adaptive behavior and manifested during the developmental period as defined in KRS Chapter 202B.

Intimidation: Implied threats or acts that cause an unreasonable fear of harm in another.

Mental Illness: Under Kentucky law ([KRS §510.10](#)) this means a diagnostic term that covers many clinical categories, typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the Diagnostic and Statistical Manual of Mental Disorders (Third Edition) and any subsequent revision thereto, of the American Psychiatric Association.

Power Differential – An imbalance of power where one individual is in a position of authority over another and by virtue of this authority can impact a person’s academic or work environment (either positively or negatively). An individual need not occupy a direct position of organizational authority over an individual for there to be a power differential (for example, an administrative assistant who supervises work-study students).

Relationship Violence: Acts, threats or a pattern of abusive behavior of a physical or sexual nature by one partner intended to control, intimidate, manipulate, humiliate, frighten, coerce or injure the other. These acts may be directed toward a spouse, an ex-spouse, a current or former boyfriend or girlfriend, or a current or former dating partner.

Retaliation: Intimidating, threatening, coercing or in any way discriminating against an individual because that person has opposed any behavior prohibited under this policy or because that person has made a complaint or participated in an inquiry or investigation.

Sexual Assault: Sexual assault can be defined as any type of sexual contact or behavior that occurs by force or without the other person’s consent. Falling under the definition of sexual assault is sexual activity such as forced sexual intercourse, sodomy, child molestation, incest, fondling, and attempted rape. It includes sexual acts against people who are unable to consent either due to age or lack of capacity.

Sexual Exploitation: Occurs when an individual takes non-consensual or abusive sexual advantage of another individual for his/her own advantage or benefit, or to benefit or advantage anyone other than the individual being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples include, but are not limited to:

- Prostituting another individual;
- Non-consensual video or audio-taping of sexual activity;
- Going beyond the boundaries of consent (for example, allowing your friends to hide in the closet to watch you having consensual sex);
- Non-consensual distribution of photos, other images or information of an individual’s sexual activity, intimate body parts or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Engaging in voyeurism;
- Knowingly transmitting an STI or HIV to another;
- Exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation

Sexual Harassment: Unwelcome, gender-based verbal or physical conduct that is sufficiently severe, persistent or pervasive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational program and/or activities or work environment, and is based on power differentials, the creation of a hostile environment or retaliation. All forms of sexual misconduct identified in this policy are also prohibited forms of sexual harassment.

There are three (3) types of sexual harassment:

- A. *Hostile Environment* – Includes any situation in which there is harassing conduct that is sufficiently severe, pervasive or persistent that it interferes with or denies educational benefits or opportunities or creates an intimidating hostile or offensive work environment. The determination of whether an environment is “hostile” must be based on the totality of the circumstances. The circumstances that contribute to creating a hostile environment include:
- Frequency of contact;
 - Nature and severity of conduct;
 - Whether the conduct was physically threatening;
 - Whether the conduct was humiliating;
 - The effect of the conduct on the alleged victim’s mental or emotional state;
 - Whether the conduct was directed at more than one person;
 - Whether the conduct arose in the context of other discriminatory conduct;
 - Whether the conduct unreasonably interfered with the alleged victim’s educational or work performance;
 - Whether the statement is a mere utterance of an epithet which engenders offense or offends by mere discourtesy or rudeness;
- B. *Quid Pro Quo* – Exists when there are:
- Unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature; and
 - Submission to or rejection of such conduct results in adverse action
- C. *Retaliatory Harassment* – Any adverse action taken against a person because of the person’s participation in a complaint or investigation of discrimination or sexual misconduct.

Examples of sexual harassment include, but are not limited to:

- Attempting to coerce an unwilling person into a sexual relationship;
- Repeatedly subjecting a person to egregious, unwelcome sexual attention;
- Punishing someone for refusing to comply with a sexually-based request;
- Conditioning a benefit upon submitting to sexual advances;
- Sexual violence;
- Intimate partner violence;
- Stalking;
- Gender-based bullying
- Display or sharing of sexually graphic material, jokes or slurs

Sexual Misconduct: Any non-consensual act of a sexual nature which may or may not involve physical contact. This includes, but is not limited to, sexual assault (or attempts to commit sexual assault), sexual exploitation, stalking and dating and relationship violence.

Staff – Anyone employed by the university engaged in non-teaching activities or not covered in the faculty and administrator definitions.

Stalking: Stalking can be defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of conduct directed at a specific person that would cause a reasonable person to: feel fear or suffer substantial emotional distress.

Kentucky law ([KRS §508.130](#)) defines stalking as:

(1) (a) To “stalk” means to engage in an intentional course of conduct:

1. Directed at a specific person or persons;
2. Which seriously alarms, annoys, intimidates, or harasses the person or persons; and
3. Which serves no legitimate purpose.

(b) The course of conduct shall be that which would cause a reasonable person to suffer substantial mental distress.

Students – All those enrolled full-time or part-time in any course, program of study or discipline.

*Any employee who is both faculty and staff shall follow the staff requirements when acting as staff and faculty requirements when acting as faculty.

VII. CONSENSUAL RELATIONSHIPS

A. Relationships with Students

Romantic or sexual relationships between any NKU employee (faculty, staff or administrator) and a student are prohibited. If the university discovers such a relationship exists, interim measures will be instituted promptly to ensure a safe learning environment for the student, and the NKU employee will be subject to discipline pursuant to **Section VII**.

B. Faculty, staff, and administrators

Romantic or sexual relationships between employees (faculty, staff and administrators) in which a power differential exists are prohibited. **NOTE:** This section does not apply to spouses or extended family members (EFM), but other policies exist that establish guidelines regarding spouses or relatives working in the same department. See [Nepotism](#) policy.

VIII. REPORTING SEXUAL MISCONDUCT

Federal and state laws and university policy prohibit the taking of retaliatory measures against any individual who files a complaint in good faith.

Retaliation against an individual for raising an allegation of sexual or gender-based harassment, for cooperating in an investigation of such a complaint, or for opposing discriminatory practices is prohibited. Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is also prohibited.

Students:

If you are a student who believes you have been or are the victim of sexual harassment, including sexual assault, dating violence, domestic violence, stalking or other sexual misconduct, you may report such conduct or file a complaint under Title IX with the Senior Associate Dean of Students and Director of Student Conduct, Rights and Advocacy who also serves as a Deputy Title IX Coordinator by calling 859-572-5147. Complaints of student sexual misconduct are addressed by the [Code of Student Rights and Responsibilities](#).

Amnesty for Students Who Report Sexual Misconduct:

The university recognizes that a student who is under the influence of alcohol and or drugs at the time of an incident may be hesitant to make a report because of a threat of disciplinary sanctions for her or his own violation of the [Code of Student Rights and Responsibilities](#). A student who reports sexual misconduct, either as a complainant or third party witness will not face disciplinary charges under the [Code of Student Rights and Responsibilities](#). Submitting a complaint that is not in good faith or providing false or misleading information in any investigation of complaints is prohibited.

Faculty/Staff:

If you are a Faculty/Staff member who believes you have been or are the victim of sexual harassment, including sexual assault, dating violence, domestic violence, stalking or other sexual misconduct, you may contact Human Resources and file a complaint with the Director of Employee Relations and EEO who also serves as a Deputy Title IX Coordinator for faculty and staff by calling 859-572-7600.

Disciplinary sanctions for any member of the university community engaging in such an act may include suspension or dismissal from the university, corrective action up to and including termination of university employment, referral for criminal investigation and prosecution under Kentucky law, and other remedial action.

IX. CONTACTS

In accordance with Title IX regulations, the university has designated Dr. Kathleen Roberts as the university's Title IX Coordinator. She is charged with monitoring compliance with these regulations. The Deputy Title IX Coordinators are responsible for investigating allegations of sexual misconduct.

Contact Information

Title IX Coordinator

Dr. Kathleen Roberts

Senior Advisor to the President for Inclusive Excellence
Lucas Administrative Center, room 834
Highland Heights KY 41076
Phone – 859-572-6630
Email – robertsk10@nku.edu

[NKU Title IX Website](#)

Ann James

Sr. Assoc. Dean of Students and Director of Student Conduct, Rights and Advocacy & Deputy Title IX Coordinator for Students

Office of the Dean of Students
Student Union, room 301
Highland Heights KY 41076
Phone – 859-572-5147
Email – jamesa3@nku.edu

Rachel Green

Dir. of Employee Relations and EEO & Deputy Title IX Coordinator for Faculty and Staff

Lucas Administrative Center, room 723
Highland Heights KY 41076
Phone – 859-572-7600
Email – greenr5@nku.edu

Leslie Fields, Associate Athletic Director for Compliance & Deputy Title IX Coordinator for Athletics

BB&T Arena
Phone – 859-572-7572
Email - fieldsl4@nku.edu

X. RESOURCES

NKU RESOURCES

University Police

EMERGENCY CONTACT – 859-572-7777

Non-Emergency Contact – 859-572-5500

Website – [University Police](#)

You can view NKU safety and security information by clicking below:

[Annual Campus Security Report](#)

[Daily Crime Log](#)

Email - [NKU Police](#)

Norse Violence Prevention Program

Dean of Students/Student Engagement

Student Union – Third floor

Phone – 859-572-5685

Website - <http://nvp.nku.edu/>

LGBTQ Programs & Services

Student Union, room 309

Phone – 859-572-5835

Website - <http://lgbtq.nku.edu/>

Health, Counseling and Student Wellness

University Center, room 440

Phone – 859-572-5650

Email – hcsw@nku.edu

Website - <http://hcsw.nku.edu/>

[NKU Title IX Website](#)

Code of Student Rights and Responsibilities - <http://scra.nku.edu/policies/student-rights.html>

Graduate Student Honor Code/Appeals Policy - <http://scra.nku.edu/policies/honor-code.html>

Chase College of Law Honor Code - <http://chaselaw.nku.edu/content/dam/chaselaw/docs/students/handbook/Honor-Code%20Jan%202013.pdf>

Employee Grievance Procedure - http://hr.nku.edu/hrpolicies/employee_relations/grievance.html

COMMUNITY RESOURCES

Women's Crisis Center

Northern KY 24 Hour Crisis Line – 1-800-928-3335 or 859-491-3335

Maysville KY 24 Hour Crisis Line – 1-800-928-6708

Website – <http://www.wccky.org/>

Walk-In Location:

835 Madison Ave

Covington KY 41011

Women Helping Women – 24 Hour Crisis Line – 513-381-5610

<http://www.womenhelpingwomen.org/>

Kentucky Domestic Violence Association - <http://www.kdva.org/>

Kentucky Association Sexual Assault Programs, Inc. – <http://www.kasap.org/>

Kentucky Commission on Human Rights - <http://kchr.ky.gov/>

Ohio Domestic Violence Network - <http://www.odvn.org/>

Indiana Coalition Against Domestic Violence - <http://www.icadvinc.org/> Hotline – 1-800-332-7385

Department of Education OCR Region IV office (covers Kentucky)

Dennis Bega, Deputy Director, Regional Operations/South and Midwest HUB
Martin Richburg
Jonava Johnson
Malissa Coleman
U.S. Department of Education
61 Forsyth St. SW, Suite 19T40
Atlanta, GA 30303
Telephone: 404-974-9450
Fax: 404-974-9459

NATIONAL RESOURCES

National Domestic Violence Hotline – 1-800-799-SAFE (7233)

National Sexual Assault Hotline – 1-800-656-HOPE (4673)

National Center on Domestic and Sexual Violence - <http://www.ncdsv.org/>

Not Alone ~Together Against Sexual Assault - <https://www.notalone.gov/>

GLBT National Help Center – 1-888-843-4564

<http://www.glbtnationalhelpcenter.org/>

GLBTQ Domestic Violence Project – 1-800-832-1901

<http://www.glbtdvp.org/>

RAINN – Rape, Abuse & Incest National Network - <https://rainn.org/>

Stalking Resource Center - <http://www.victimsofcrime.org/our-programs/stalking-resource-center>

Stalking Victims Sanctuary - <http://stalkingvictims.com/>

U.S. Dept. of Justice Office on Violence Against Women - <http://www.justice.gov/ovw>

Department of Education’s Office of Civil Rights

Phone – 1-800-421-3481

Website - ocr@ed.gov.

You may complete an online complaint form at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

XI. TRAINING

Training is provided annually for students through Haven, which is a program created by EverFi.

The training is web-based with a module specifically for students. Course information is provided via email to incoming freshman and transfer students in the summer before the fall semester. Any student who does not receive an email regarding Haven and wishes to take the course may contact the Dean of Students office for information.

Training for faculty, staff and administrators is provided annually online through WorkPlace Answers. The training is web-based and provides education regarding Title IX, VAWA and the Clery Act.

NKU’s Norse Violence Prevention Center (NVP) also offers several programs, events and trainings including:

- Green Dot Bystander Intervention training;
- Healthy Masculinity; and
- Consent training.

For more information regarding NVP programs and events, visit their web page at: <http://nvp.nku.edu/programs.html> .

NKU's LGBTQ Programs & Services director also provides several trainings including:

- Allied Zone training;
- Speak Out! Panels; and
- TransAlly training.

For more information regarding our LGBTQ programs and events, visit their web page at: <https://lgbtq.nku.edu/>.

XII. ANNUAL SECURITY REPORT

In accordance with the Federal Crime Awareness and Campus Security (Clery) Act of 1990 and the Kentucky Postsecondary Education Campus Security (Michael Minger) Act of 2000, NKU provides information relating to crime statistics to prospective students, matriculated students and employees.

You can access the Annual Campus Security Report for NKU by clicking [here](#).

XIII. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

RELATED POLICIES

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
New Policy	5/2015
Revision	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

POLICY NAME

APPROVALS

AAC REVIEW

PROVOST & EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

Signature	Date
_____	_____
Printed Name	

PROFESSIONAL CONCERNS COMMITTEE REVIEW

CHAIR, PROFESSIONAL CONCERNS COMMITTEE

Signature	Date
_____	_____
Printed Name	

AAPC 1ST READING

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PROVOST FOR UNDERGRADUATE ACADEMIC AFFAIRS**

Signature	Date
_____	_____
Printed Name	

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PRESIDENT FOR ENROLLMENT & DEGREE MANAGEMENT**

Signature	Date
_____	_____
Printed Name	

GRADUATE COUNCIL 1ST READING

**GRADUATE COUNCIL COMMITTEE CHIEF ACADEMIC OFFICER
VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH**

Signature	Date
_____	_____

Printed Name

GRADUATE COUNCIL COMMITTEE CHAIR

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE VICE CHAIR

Signature

Date

Printed Name

IT POLICY COUNCIL REVIEW

**CHAIR, IT POLICY COUNCIL
CHIEF INFORMATION OFFICER**

Signature

Date

Printed Name

HUMAN RESOURCES REVIEW

SENIOR DIRECTOR, HUMAN RESOURCES

Signature

Date

Printed Name

LEGAL & COMPLIANCE CONCURRENT REVIEW

COMPLIANCE OFFICER

Signature

Date

Printed Name

VICE PRESIDENT FOR LEGAL AFFAIRS/GENERAL COUNSEL, OR ASSOCIATE GENERAL COUNSEL

Signature

Date

Printed Name

PRE-COMMENT PERIOD EXECUTIVE TEAM REVIEW

SENIOR VICE PRESIDENT FOR ADMINISTRATION & FINANCE

Signature

Date

Printed Name

COMMENT PERIOD

POLICY COORDINATOR

Signature

Date

Printed Name

AAPC 2ND READING

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PROVOST FOR UNDERGRADUATE ACADEMIC AFFAIRS**

Signature

Date

Printed Name

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PRESIDENT FOR ENROLLMENT & DEGREE MANAGEMENT**

Signature

Date

Printed Name

GRADUATE COUNCIL 2ND READING

**GRADUATE COUNCIL COMMITTEE CHIEF ACADEMIC OFFICER
VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH**

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE CHAIR

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE VICE CHAIR

Signature

Date

Printed Name

FINAL APPROVAL

1. ACADEMIC & HYBRID POLICIES

PROVOST & EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

Signature

Date

Printed Name

2. ALL POLICIES

SENIOR VICE PRESIDENT FOR ADMINISTRATION & FINANCE

Signature

Date

Printed Name

PRESIDENTIAL APPROVAL

PRESIDENT

Signature

Date

Geoffrey S. Mearns

Printed Name

BOARD OF REGENTS APPROVAL

BOARD OF REGENTS (IF FORWARDED BY PRESIDENT)

- This policy **WAS NOT** forwarded to the Board of Regents.
- This policy **WAS** forwarded to the Board of Regents.
 - The Board of Regents approved this policy on ____/____/____.
(Attach a copy of Board of Regents meeting minutes showing approval of policy.)
 - The Board of Regents rejected this policy on ____/____/____.
(Attach a copy of Board of Regents meeting minutes showing rejection of policy.)

POLICY COORDINATOR

Signature

Date

Printed Name

CONSENSUAL RELATIONSHIPS

POLICY NUMBER: RESERVED FOR FUTURE USE

POLICY TYPE: HYBRID - ACADEMIC/ADMIN

RESPONSIBLE OFFICIAL TITLE: SR. ASSOCIATE DEAN OF STUDENTS AND DIRECTOR OF STUDENT CONDUCT RIGHTS AND ADVOCACY & DIRECTOR OF EMPLOYEE RELATIONS AND EEO

RESPONSIBLE OFFICE: OFFICE OF THE V.P. FOR STUDENT AFFAIRS AND DEAN OF STUDENTS, HUMAN RESOURCES AND THE OFFICE OF THE PROVOST

EFFECTIVE DATE: [CLICK HERE TO ENTER A DATE.](#)

NEXT REVIEW DATE: [CLICK HERE TO ENTER A DATE.](#)

SUPERSEDES POLICY DATED: [CLICK HERE TO ENTER A DATE.](#)

REQUIRES LEGAL/COMPLIANCE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES I.T. POLICY COUNCIL REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES PROFESSIONAL CONCERNS COMMITTEE REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES HUMAN RESOURCES REVIEW:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

REQUIRES BOARD OF REGENTS APPROVAL:

(PER SECTION V. OF THE APPROVED POLICY REQUEST FORM) YES NO

I. POLICY STATEMENT

When individuals involved in a romantic or sexual relationship are in positions with a power differential at the university, there is a risk for conflict of interest, bias, and exploitation. Such relationships may also impair the academic or work environment of those involved in the relationship as well as others.

In order to protect the integrity of the university's academic and work environment, this policy outlines limitations on romantic or sexual relationships between administrators, faculty, staff and students at Northern Kentucky University (NKU).

II. ENTITIES AFFECTED

All NKU faculty, staff, administrators and students.

III. REASON FOR POLICY

To ensure that NKU's academic and work environment remains free from real or apparent conflicts of interest when individuals in positions of unequal power at the university are involved in romantic or sexual relationships.

IV. DEFINITIONS

Administrators – Administrative officers and heads of major service units and/or departments. The designation of a position in this category must be made by the president.

Conflict of Interest – For the purposes of this policy, a conflict of interest and/or an appearance of impropriety arises when individuals with a power differential engage in a romantic and/or sexual relationship.

Consent – Consent is clear, knowing and voluntary. Silence, in and of itself, cannot be interpreted as consent. Verbal consent is not a requirement of this policy, but consent may be given by words as long as those words create mutually understandable, clear permission regarding willingness to engage in sexual activity.

Consent to one form of sexual activity does not imply consent to any other forms of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts.

Kentucky law ([KRS §510.020](#)) states:

Lack of consent results from:

- a) Forcible compulsion;
- b) Incapacity to consent; or
- c) If the offense charged is sexual abuse, any circumstances in addition to forcible compulsion or incapacity to consent in which the victim does not expressly or impliedly acquiesce in the actors conduct.

A person is deemed incapable of giving consent if he or she is:

- a) Less than sixteen (16) years old;
- b) An individual with an intellectual disability or suffering from a mental illness;
- c) Mentally incapacitated;
- d) Physically helpless; or
- e) Under the care or custody of a state or local agency pursuant to court order and the actor is employed by or working on behalf of the state or agency.

Consensual Relationship - A romantic and/or sexual relationship in which a power differential does not exist and has been consented to by all parties. Consent must be given free from coercion or exploitation.

Faculty* – All those charged with academic instruction. The definition of academic instruction includes but is not limited to the following:

- Tenured and Tenure-track faculty
- Librarians
- Lecturers
- Graduate students with teaching responsibilities
- Academic Advisors and others who have a role in educating, supervising or advising students in university programs and disciplines
- Adjuncts, visiting and part-time faculty, and other instructional personnel.

Power Differential – An imbalance of power where one individual is in a position of authority over another and by virtue of this authority can impact a person's academic or work environment (either positively or negatively). An individual need not occupy a direct position of organizational authority over an individual for there to be a power differential (for example, an administrative assistant who supervises work-study students).

Staff* – Anyone employed by the university engaged in non-teaching activities or not covered in the faculty and administrator definitions.

Students – All those enrolled full-time or part-time in any course, program of study or discipline.

*Any employee who is both faculty and staff shall follow the staff requirements when acting as staff and faculty requirements when acting as faculty.

V. RELATIONSHIPS SUBJECT TO THIS POLICY

A. Relationships with Students

Romantic or sexual relationships between any NKU employee (faculty, staff or administrator) and a student are prohibited. If the university discovers such a relationship exists, interim measures will be instituted promptly to ensure a safe learning environment for the student, and the NKU employee will be subject to discipline pursuant to **Section VII**.

B. Faculty, staff, and administrators

Romantic or sexual relationships between employees (faculty, staff and administrators) in which a power differential exists are prohibited.

VI. EXEMPTIONS

This policy does not apply to spouses or extended family members (EFM), but other policies exist that establish guidelines regarding spouses or relatives working in the same department. See [Nepotism](#) policy.

VII. VIOLATION OF THIS POLICY

Any individual found to have violated this policy may be subject to disciplinary action up to and including termination. Adverse employment action will be taken only pursuant to applicable institutional handbooks, policies and procedures.

VIII. REFERENCES AND RELATED MATERIALS

REFERENCES & FORMS

RELATED POLICIES

[NKU Values and Ethical Responsibilities](#)

[Sexual Misconduct](#)

REVISION HISTORY

REVISION TYPE	MONTH/YEAR APPROVED
New Policy	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	
Choose an item.	

POLICY NAME

APPROVALS

AAC REVIEW

PROVOST & EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

Signature

Date

Printed Name

PROFESSIONAL CONCERNS COMMITTEE REVIEW

CHAIR, PROFESSIONAL CONCERNS COMMITTEE

Signature

Date

Printed Name

AAPC 1ST READING

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PROVOST FOR UNDERGRADUATE ACADEMIC AFFAIRS**

Signature

Date

Printed Name

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PRESIDENT FOR ENROLLMENT & DEGREE MANAGEMENT**

Signature

Date

Printed Name

GRADUATE COUNCIL 1ST READING

**GRADUATE COUNCIL COMMITTEE CHIEF ACADEMIC OFFICER
VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH**

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE CHAIR

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE VICE CHAIR

Signature

Date

Printed Name

IT POLICY COUNCIL REVIEW

**CHAIR, IT POLICY COUNCIL
CHIEF INFORMATION OFFICER**

Signature

Date

Printed Name

HUMAN RESOURCES REVIEW

SENIOR DIRECTOR, HUMAN RESOURCES

Signature

Date

Printed Name

LEGAL & COMPLIANCE CONCURRENT REVIEW

COMPLIANCE OFFICER

Signature

Date

Printed Name

VICE PRESIDENT FOR LEGAL AFFAIRS/GENERAL COUNSEL, OR ASSOCIATE GENERAL COUNSEL

Signature

Date

Printed Name

PRE-COMMENT PERIOD EXECUTIVE TEAM REVIEW

SENIOR VICE PRESIDENT FOR ADMINISTRATION & FINANCE

Signature

Date

Printed Name

COMMENT PERIOD

POLICY COORDINATOR

Signature

Date

Printed Name

AAPC 2ND READING

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PROVOST FOR UNDERGRADUATE ACADEMIC AFFAIRS**

Signature

Date

Printed Name

**ADMISSIONS & ACADEMIC POLICIES COMMITTEE CO-CHAIR
VICE PRESIDENT FOR ENROLLMENT & DEGREE MANAGEMENT**

Signature

Date

Printed Name

**GRADUATE COUNCIL COMMITTEE CHIEF ACADEMIC OFFICER
VICE PROVOST FOR GRADUATE EDUCATION, RESEARCH, & OUTREACH**

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE CHAIR

Signature

Date

Printed Name

GRADUATE COUNCIL COMMITTEE VICE CHAIR

Signature

Date

Printed Name



FINAL APPROVAL

1. ACADEMIC & HYBRID POLICIES

PROVOST & EXECUTIVE VICE PRESIDENT FOR ACADEMIC AFFAIRS

Signature

Date

Printed Name

2. ALL POLICIES

SENIOR VICE PRESIDENT FOR ADMINISTRATION & FINANCE

Signature

Date

Printed Name

PRESIDENTIAL APPROVAL

PRESIDENT

Signature

Date

Geoffrey S. Mearns

Printed Name

BOARD OF REGENTS APPROVAL

BOARD OF REGENTS (IF FORWARDED BY PRESIDENT)

- This policy **WAS NOT** forwarded to the Board of Regents.
- This policy **WAS** forwarded to the Board of Regents.
 - The Board of Regents approved this policy on ____/____/____.
(Attach a copy of Board of Regents meeting minutes showing approval of policy.)
 - The Board of Regents rejected this policy on ____/____/____.
(Attach a copy of Board of Regents meeting minutes showing rejection of policy.)

POLICY COORDINATOR

Signature

Date

Printed Name

DRAFT

MEMORANDUM

To: Ken Katkin, PCC Chair

From: Lili Ma, Faculty Senator

Re: Comments on “Retired Faculty Participation on Sponsored Projects” Policy

Date: Oct 19, 2016

As a faculty senate representative, some concerns on the recent policy entitled “Retired Faculty Participation on Sponsored Projects” were brought to my attention. The detailed policy is attached for your references. Briefly, this policy has the overall effect of making it much more challenging for retired faculty to continue to engage in research.

Some background on research active emeritus faculty at NKU

Emeritus faculty doing research provides many benefits to the University and our students. NKU is a growing university with expanding undergraduate research program. More research opportunities are needed for undergraduate students. In the chemistry department, undergraduate students cannot work alone in the lab due to safety concerns. The involvement of emeritus faculty in research will not only expand the research program, it will also provide students hands-on experience in a safe laboratory setting. Emeritus faculty at other universities (e.g, Murray State University, University of Cincinnati, the Ohio State University, to name a few) routinely conduct research.

NKU also has a long history of emeritus faculty who are/were active in research. Take the Department of Chemistry and Department of Biological Science for example. The biological science faculty member, Dr. John Thieret, was a well-known taxonomist. He retired around 2000, but was actively doing research until the last moment of his life. He was the editor of three journals in his field, and he published several books. The NKU Herbarium is named after him. The chemistry department faculty member, Dr. Robert Kempton, retired in 2010 and has been actively conducting research since then. He had undergraduate students working with him during the past summers. The biological science faculty, Dr. Miriam Kannan, will retire soon, and the only reason she wants to retire is the fact that she can devote more time to research. Dr. Kannan has just applied for grant support from National Geographic Society, and is applying to serve as a co-PI on a 5 million dollar grant involving 5 institutions. She is retiring to have time to work on these grant supported projects. Both Dr. Kempton and Dr. Kannan are Regents Professors who have been recognized for their achievements in research.

The major concerns on this policy are as follows:

- Paragraph 2. *“Only full-time permanent faculty and staff may apply as primary investigators or project directors for sponsored projects at NKU.”*
 - Some external grants are awarded only to emeritus faculty. For example, the Dreyfus Senior Scientist Mentor Program supports *“emeritus faculty who maintain active research programs with undergraduates in the chemical sciences.”* The Senior Scientist Mentor Program provides a \$20,000 award over two years, intended mostly for undergraduate stipends. Modest research support is also allowed (http://dreyfus.org/awards/senior_scientist_mentor.shtml).
 - No rationale was presented for this policy change. If this policy statement stands, no faculty at NKU will be eligible to apply for a grant of the type given above. It is suggested to revise or remove this statement.

- Paragraph 2. *“Full-time members of faculty may participate in a sponsored project beyond their retirement date, but upon that date the project must transition to a new full-time NKU Primary Investigator.”* This raises several questions:
 - What happens if no other faculty member wants to assume the responsibilities of PI?
 - What happens if no other faculty has the expertise to administer the grant? This is the most likely scenario.
 - Assuming a new PI is found and the grant provides stipends, who gets them - the original, now retired PI, or the new PI?

- Paragraph 5. *“A retired faculty member ... may be compensated ... as a contractor, but not as an employee.”* This statement has tax consequences. As a contractor, the emeritus faculty member will be required to pay, in addition to the normal income taxes, double payroll taxes (social security and Medicare taxes), amounting to 15.3% of the stipend rather than the normal 7.65% of the stipend that all employees pay. This double payroll tax burden comes in spite of the fact that many funding agencies, including NIH, provide the employer portion of the payroll taxes as part of the grant’s indirect costs.

A simple solution to the payroll tax issue appears to be at hand (Paragraph 2; last sentence of the original policy). The policy should read that a retired faculty receiving a stipend from a funding agency that pays payroll taxes shall be given a temporary appointment (“credentialing”). A temporary appointment is obviously easy to do for the purpose of allowing the faculty member to mentor students. It will be just as easy for the purpose of allowing the funding agency to disburse indirect funds as intended.

Retired faculty who continue to do research and work with students do so, for the most part, without compensation. For those who are fortunate enough to have a grant proposal funded, the principal benefits are stipends for student researchers and money for equipment and supplies. A summer stipend for the PI is an additional benefit. The fact that NKU would propose a policy forcing retired faculty with stipends to pay additional, self-employed taxes is inexplicable.

Other concerns include:

- Paragraph 1. The sentence beginning with “*In making its decision NKU must take into account ...*” This sentence presumably applies to all faculty (full-time, part-time, emeritus, tenure track, non-tenure track). Either remove it or add a statement saying that requests for space, resources , *etc.* from retired faculty will be evaluated the same way all other requests are evaluated.
- The policy does not address the issue of liability for the retired faculty, an issue that we thought should have been front and center in the policy.

MEMORANDUM

To: PCC

From: Prof. Ken Katkin, PCC Chair

Re: Proposed NKU Policy on “Retired Faculty Participation on Sponsored Projects”

Date: Aug 25, 2016

On Aug 15, 2016, NKU initiated a notice-and-comment proceeding to solicit comment on a proposed policy on “Retired Faculty Participation on Sponsored Projects.” If adopted as drafted, this policy would effectively downgrade the status of emeritus faculty members, and would make it harder for emeriti to being paid for work performed in furtherance of externally-funded research.

In this Memorandum, I raise several concerns about the proposal. Other PCC members may have other concerns, as well. After considering these and any other concerns raised by PCC members, PCC should consider whether it would like to file comments in this proceeding. These are my concerns:

- (1) Throughout the current draft policy proposal, emeritus faculty members are repeatedly and tendentiously referred to as “retired” or “former” faculty members. This word-choice disparages the status of emeritus faculty and misleadingly connotes that emeriti no longer hold rank, title, or affiliation with the university. In fact, the NKU Faculty Handbook makes clear that “[e]meritus faculty are tenured faculty or administrators who hold faculty rank, who, upon retirement, . . . have been conferred emeritus status by the Board of Regents. Such persons hold the title and rank held immediately prior to their retirement, followed by the title ‘emeritus.’” NKU Faculty Handbook § 1.7.1 (emphasis added). In order to avoid belittling our emeritus faculty, throughout the document the words “former” and “retired” should everywhere be replaced with the word “emeritus.”
- (2) The current draft policy creates ambiguity about the classification of faculty members going through phased retirement. Many such faculty members might carry less-than-full-time workloads during the phase period. Do such faculty members nonetheless qualify as "full-time" and “permanent” faculty members under this policy? Should they? Should a sentence be added to clarify that: “irrespective of teaching load, tenured faculty members undergoing phased retirement shall qualify as full-time permanent faculty members for purposes of this policy.”

- (3) The current draft policy proposal states that “[c]redentialing by the Office of the Provost is required if the [emeritus] faculty member supervises students who are receiving academic credit for the research experience.” It is not clear whether such credentialing is currently required when emeritus faculty members teach ordinary courses at NKU. Should PCC consider recommending that the same credentialing process that applies when emeritus faculty teach courses should also apply when emeritus faculty members supervise student research?
- (4) The current draft policy proposal states that when an emeritus faculty member seeks appointment as a senior research scientist/scholar on the sponsored project of a full-time faculty member at NKU, the emeritus faculty member “will be given the additional title of senior research scientist/scholar, to be held during the period of the sponsored.” Although the grant of an additional title seems unobjectionable, the perceived need for such a title might possibly reflect insufficient appreciation that the rank and title of emeritus professor would already be held by anyone affected by this policy. For that reason, perhaps this sentence should be amended to read:

When an emeritus faculty member seeks to participate in work on a sponsored research project at NKU, the emeritus faculty member will be given pre- and post-award administrative support and may also be given the additional title of senior research scientist/scholar, to be held during the period of the sponsored project. This designation requires the approval of the department chair, dean and Vice Provost for Graduate Education, Research, and Outreach.

These thoughts are offered as a starting point for PCC’s consideration of this issue.

Retired Faculty Participation on Sponsored Projects

Policy Number:	Reserved for future use
Policy Link:	
Responsible Official:	Provost
Responsible Office:	Provost
Effective date:	Click here to enter a date.
Next review date:	Click here to enter a date.
Supersedes policy dated:	N/A
Approved by:	Choose an item.

I. Policy Statement

Several important considerations determine whether NKU will sponsor, totally or in part, retired faculty members' participation on sponsored projects, and whether it will authorize research appointments for retired faculty members. In making its decision NKU must take into account the contribution of the proposed research to the NKU community, its demand upon physical and administrative facilities, pre- and post-award administrative support, and its direct and indirect effects upon other research and programs of the university.

Only full-time permanent faculty and staff may apply as primary investigators or project directors for sponsored projects at NKU. Full-time members of faculty may participate in a sponsored project beyond their retirement date, but upon that date the project must transition to a new full-time NKU Primary Investigator. Once retired, a former faculty member may participate on a sponsored project as a Co-Primary Investigator or other personnel, subject to approval by the appropriate chair, dean, and Vice Provost for Graduate Education, Research, and Outreach. A retired faculty member serving as a Co-Primary Investigator on a sponsored project may supervise students with approval from the department chair and dean. Credentialing by the Office of the Provost is required if the retired faculty member supervises students who are receiving academic credit for the research experience.

At the discretion of the department chair and dean, and based on the availability of resources, retired faculty participating on sponsored projects may be provided office space, office support, mailing privileges, and laboratory space, when used for professional purposes in support of NKU's mission and the grant objectives.

When a retired faculty member seeks appointment as a senior research scientist/scholar on the sponsored project of a full-time faculty member at NKU, he/she will be given pre-and post-award administrative support and the additional title of senior research scientist/scholar, to be held during the period of the sponsored project. This designation requires the approval of the department chair, dean and Vice Provost for Graduate Education, Research, and Outreach.

A retired faculty member who is appointed as senior research scientist/scholar under the above conditions may be compensated for effort from the sponsored project on a part-time or full-time basis as a contractor, but not as an employee. The contractor rate will be set at the rate of compensation at the time of retirement, consistent with the OMB Circular A-21 guidelines (see below). Retired faculty may not work more than 30 hours/week. Fringe benefits will not be paid

to a contractor. In no case may compensation exceed the available funding from the sponsored project.

OMB Circular A-21, 10.d.(1)(e) states that institutions must follow their own policies and salaries are to be consistent with those paid by the institution.

http://www.whitehouse.gov/omb/circulars/a021/a21_2004.html

II. Entities Affected

Faculty, Deans, Provost, Office of Research, Grants & Contracts, Vice Provost for Graduate Education, Research and Outreach, Department Charis, Human Resources and Office of the Comptroller

III. Authority

Chair, Dean, Vice Provost for Graduate Education, Research and Outreach, and Provost

IV. Definitions

V. Responsibilities

Department Chairs, Deans, and Vice Provost for Graduate Education, Research and Outreach must approve requests. Credentialing requires approve by Provost if student supervision involved.

VI. Committee

VII. Procedures

VIII. Reporting Requirements

IX. Exceptions

X. Training

XI. Communications

References and Related Materials

References:
Related Policies:
Related Forms:
Revision History:

DRAFT

MEMORANDUM

To: Ken Katkin, PCC Chair

From: Kirsten Schwarz (PCC Member). Co-sponsored by John Alberti, Sharmanthie Fernando, Yaw Frimpong-Mansoh, Miriam Kannan, Ihab Saad, Christopher Wilkey

Re: Statement of Solidarity – We Are NKU

Date: December 19, 2016

The faculty members listed above respectfully request that PCC consider recommending to Faculty Senate that the following resolution be adopted.

In accordance with Northern Kentucky University's core value of inclusiveness, NKU faculty and staff resolve to stand with all members of the NKU community, of all backgrounds, including: race, gender identity, sexual orientation, religion, immigration status, and national origin.

We are committed to providing all our students, faculty and staff with a safe and welcoming environment, and ensure their continued ability to thrive on our campus.

We condemn Islamophobia and acts of violence and bias against Muslims. We also condemn any similar actions against other groups and stand in support of those of all faiths, races, ethnicities, nationalities, gender expressions or sexual orientation. We will never tolerate acts of hate against any individual on our campus.

PCC Chair's Comments:

- There is a related "unafraid educators" pledge that all US academics—including NKU Faculty members—are welcome to sign. It's online at: <https://actionnetwork.org/forms/join-unafraid-educators-across-the-nation-during-national-educators-coming-out-day>.
- I think it might be helpful to add an expression of commitment to freedom of speech in the statement, just to make it clear that we are condemning discrimination, bias, violence, etc., but not condemning statements of political or religious opinion.