

OFFICE OF THE CHANCELLOR
LOUISIANA STATE UNIVERSITY AT ALEXANDRIA

PS 224
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Revision: 4
Effective: August 15, 2005

SUBJECT: SEXUAL HARASSMENT

PURPOSE: To assure all employees and students of an environment free from sexual harassment

GENERAL POLICY

It is the policy of LSUA to provide an environment that is free from sexual harassment because such conduct seriously undermines the atmosphere of trust and respect that is essential to a healthy work and academic environment. No employee or student (either male or female) should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

This policy applies to all members of the university community including faculty, staff, and students. Members of the university community who are subjected to sexual harassment are encouraged to report their complaints promptly. Persons who violate this sexual harassment policy shall be subject to disciplinary action that may include but is not limited to: written warning, demotion, transfer, suspension, or dismissal. Persons accused of violating this policy shall be accorded due process of the law.

LEGAL AUTHORITY

Sexual harassment, a form of discrimination, is prohibited by Title VII of the Civil Rights Act of 1964 and by Title IX of the Education Amendments of 1972. Louisiana's Fair Employment Practices Law prohibits discrimination in employment by employers, employment agencies and labor organizations based on sex. LSUA's Equal Opportunity/Affirmative Action Policy (PS 222) also prohibits sexual discrimination.

DEFINITION

Sexual harassment may involve the behavior of a person of either sex against a person of the opposite or same sex, and occurs when such behavior constitutes unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical behavior of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual's welfare; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's welfare, academic or work performance, or creates an intimidating, hostile, offensive, or demeaning education or work environment.

EXAMPLES OF PROHIBITED BEHAVIOR

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Threats or insinuations that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments, or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.¹
3. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes, or innuendoes; unwelcome suggestive or insulting sounds; obscene phone calls.
4. Sexually suggestive objects, pictures, videotapes, audio recordings or literature placed in the work, study, or recreation area that may embarrass or offend individuals. Such material must clearly relate to educational purposes if used in an educational setting.
5. Obscene gestures or unwelcome and inappropriate touching.

RESPONSIBILITY

Individuals who are aware of or have experienced an incident of sexual harassment should promptly report the matter to an official designated to receive informal or formal complaints. These officials are listed under Procedures.

¹PERSONAL RELATIONSHIPS IN HIGHER EDUCATION: The National Education Association recognizes that in institutions of higher education adult students and educators may establish personal relationships. However, such relationships should be voluntary and not be used to coerce or influence others for personal advantage. Thus, the Association believes that sexual relationships between a faculty member and a student currently enrolled in the faculty member's course, or under the supervision or direction of the faculty member, are unprofessional. The Association urges its affiliates in institutions of higher education to establish strong policies declaring such relationships unprofessional (Resolution I-20, 1989).

NON-REPRISAL

No administrator, faculty or staff member, applicant for employment, student, or member of the public may be subjected to restraint, interference, coercion or reprisal for action taken in good faith to seek advice concerning a sexual harassment matter, to file a sexual harassment complaint, or to serve as a witness or a panel member in the investigation of a sexual harassment complaint.

MALICIOUS, FALSE ACCUSATIONS

A complainant whose allegations are found to be both false and brought with malicious intent will be subject to disciplinary action that may include but is not limited to: written warning, demotion, transfer, suspension, or dismissal.

PROCEDURE

An initial course of action for any faculty member, staff member, or student who feels that he or she is being sexually harassed is for that person to tell or otherwise inform the harasser that the conduct is unwelcome and must stop. However, in some circumstances this course of action may not be feasible, may be unsuccessful, or the individual may be uncomfortable dealing with the matter in this manner. To encourage persons experiencing possible sexual harassment to come forward, the University provides several channels of communication and both informal and formal complaint resolution procedures.

INFORMATION, COUNSELING, AND INFORMAL RESOLUTION

Anyone may seek advice, information, or counseling on matters related to sexual harassment without having to lodge a formal complaint. Persons who feel they are being harassed, or are uncertain about whether what they are experiencing is sexual harassment, are encouraged to talk with whomever they feel comfortable. Such informal discussions can be handled by department chairs; deans; heads of administrative departments; Director of EEO/Human Resource Management; Director of Student Services; Provost and Vice Chancellor for Academic and Student Affairs; and Vice Chancellor for Finance and Administrative Services; or the Chancellor.

At this stage of the informal resolution process, the person seeking information and advice will be counseled as to the options for action available under this policy. Information revealed through this advising process will be held in confidence unless the initiating individual agrees that additional people must be informed to facilitate a solution. The aim of informal complaint

resolution is not to determine whether there was intent to harass but to ensure that the alleged offending behavior ceases and that the matter is resolved promptly at the lowest possible level. No disciplinary action is taken in resolving informal complaints.

FORMAL COMPLAINT RESOLUTION

The filing of a written complaint is required for the matter to be formally investigated so a determination can be made whether a violation of the University policy prohibiting sexual harassment has occurred.

Those wishing to bring a formal complaint of sexual harassment against a student should inform the Provost and Vice Chancellor for Academic and Student Affairs, who will handle the case under the rules set forth in the Code of Student Conduct (PS 228). The Director of EEO/Human Resource Management or the Provost and Vice Chancellor for Academic and Student Affairs will begin the process of conducting a full and impartial investigation in a timely manner. The next higher administrative level will begin the process in the event that the Provost and Vice Chancellor for Academic and Student Affairs or the Director of the EEO/Human Resource Management Office is directly involved in the case.

COMPLAINTS AGAINST A STUDENT

The Provost and Vice Chancellor for Academic and Student Affairs will provide the accused with a written statement of the allegations, to which that individual will be required to respond in a timely manner. During the course of the investigation, the Student Conduct Committee or the administrative hearing committee as set forth in PS 228 will hear the complainant, the accused, and witnesses identified by each party. Complaints will be handled confidentially, with the facts made available only to those who have a compelling need to know for purposes of investigation or resolution.

When the investigation of a complaint against a student is completed, the Provost and Vice Chancellor for Academic and Student Affairs or the Chairperson of the Student Conduct Committee will present to the appropriate administrative official(s) a written report including the allegations, the investigatory process, the evidence in the case, the persuasiveness of the evidence, the consistency of the testimony, and the credibility of the witnesses. The Provost and Vice Chancellor for Academic and Student Affairs will be responsible for taking the appropriate administrative action and will inform the complainant and the accused of the final disposition of the complaint.

COMPLAINTS AGAINST AN EMPLOYEE

Formal complaints of sexual harassment against a member of the faculty or staff are filed with EEO/Human Resource Management. The Director of EEO/Human Resource Management will provide the accused with a written statement of the allegations, to which that individual will be required to respond in a timely manner. The Director will provide the Chancellor with all information about the allegations. The Chancellor will appoint a Sexual Harassment Panel of Inquiry on an "as needed" basis. This panel will consist of a chair and four members. The four members will consist of two males and two females. The chair will normally be non-voting but will cast the tie-breaking vote when necessary. Panel composition will be dependent on the status of the parties involved in the complaint as follows:

1. When both parties are members of the faculty, the panel will be made up of faculty members.
2. When both parties are members of staff, the panel will be made up of members of staff.
3. When one party is a faculty member and one a staff member, the panel will have 3 faculty members and two members from the staff.
4. When a student is the accuser and the accused is a staff or faculty member, the panel will be made up of two students and three members representing faculty or staff.

The purpose of the panel of inquiry is to determine, to the best of its ability, the facts regarding the alleged sexual harassment. Prior to the hearing, the panel will meet with the parties involved to determine procedures for the conduct of the hearing. The panel will hear the complainant, the accused, and witnesses identified by each party and will examine all evidence it deems necessary. The rights of both parties will be observed, and privacy and confidentiality will be protected.

At the conclusion of its investigation, the panel will issue a written report to the appropriate administrator(s). The panel's report will detail the allegations, the evidence in the case, the persuasiveness of the evidence, the consistency of the testimony, and the credibility of the witnesses. The appropriate administrator(s) will determine whether there has been a violation of the University's policy prohibiting sexual harassment and will take whatever disciplinary action is indicated.

I hereby certify that I have received a copy of the Sexual Harassment Policy.

Date

Printed Name

Signature

Witness