

PURPOSE

To state the University position, policy, and responsibility regarding sexual harassment as related to its students.

POLICY

The University reaffirms and emphasizes commitment to provide an educational and work environment free from sexual harassment and to provide a means to remedy sexual harassment that students may have experienced.

The intent of this policy is to express the University's commitment and responsibility to protect its students from sexual harassment. It is not intended to infringe upon constitutionally guaranteed rights nor upon academic freedom. In considering allegations of sexual harassment, the University must be concerned with the rights of both the accused and the accuser.

All proven cases of sexual harassment shall result in appropriate disciplinary action. The severity of the disciplinary action shall be consistent with the seriousness of the act of sexual harassment. Additionally, under appropriate circumstances, the University may take action to protect its students from sexual harassment by individuals who are not students of the University.

DEFINITIONS

Sexual harassment: is a form of unlawful sexual discrimination. It is defined as unwelcome verbal, visual, or physical behavior of a sexual nature. It can also include unwelcome gender-based conduct. A man or a woman may be the victim of sexual harassment or the initiator of sexual harassment. The victim does not have to be of the opposite sex of the initiator. Sexual harassment includes both "quid pro quo" and "hostile environment" unlawful discrimination. Both are defined below.

Quid pro quo sexual harassment: involves a situation where unwelcome sexual advances, requests for sexual favors, and other verbal, visual, or physical conduct of a sexual nature are

made either explicitly or implicitly a term or condition of an individual's academic achievement, employment, or position within the group or team and submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual's academic, employment, or membership standing. In these situations, the student is forced to choose between submission to sexual demands or the loss of impartial treatment and evaluation as a student, employer, or member of the group. Quid pro quo sexual harassment typically involves an authority relationship in which the recipient is vulnerable with respect to academic advancement or standing, employment or membership so that objection to the demands may have negative consequences.

Examples of such potential relationships include student and teacher, teaching assistant, lab assistant, grading assistant, advisor, counselor, coach, administrator, or tutor and other relationships in which one person has the potential to reward or penalize another in regard to his or her student role.

Examples may also include supervisors and subordinates, employers and job applicants, active member and pledge, organization officer and member, team leader or captain, and team member, etc.

Hostile environment sexual harassment: is unwelcome verbal or physical conduct of a sexual nature or gender-based conduct in which the conduct has the purpose or effect of unreasonably interfering with an individual's academic, work, team or organization performance or creating an intimidating, hostile or offensive working environment. Hostile environment sexual harassment may exist even in the absence of quid pro quo sexual harassment or the absence of an authority relationship.

Examples include unwelcome touching or suggestive comments, offensive language or display of sexually oriented materials, obscene gestures, and similar sexually oriented behavior of an intimidating or demeaning nature.

Employee: is defined as any person having an employment relationship with the University.

Student: is defined as any person enrolled in a credit or non-credit instructional program offered by any unit of the University.

PROCEDURES

Because sexual harassment may involve a wide range of sexually oriented behaviors and is, in part, a function of the way in which such behaviors are perceived, the way in which a given incident is appropriately treated depends on its effect upon the recipient as well as upon the specific behavior itself. For example, simply informing the initiator through verbal or written communication that the behavior is unwelcome and should cease may be sufficient to end it. On the other hand, the situation may be such or the behavior may be so extreme that the recipient is unwilling or unable to deal with it in this way.

To help the recipient determine how best to remedy sexual harassment, as well as to insure that appropriate measures are taken when warranted, anyone who believes himself or herself to have been subjected to sexual harassment may make use of both informal and formal resolution procedures. Both sets of procedures will operate under the general principals of fairness and confidentiality and must provide that a charge of sexual harassment is carefully reviewed to determine whether the conditions in the preceding definition have been met and to further provide that the rights of both the accuser and the accused are protected. No University disciplinary action for sexual harassment shall be imposed on a University student except in accordance with the provisions of this policy statement and **Code of Student Conduct**.

A. Informal Procedures

A student who believes he/she has been subjected to sexual harassment or who believes a fellow student, a member of the faculty or staff, or an individual working on or visiting the Campus may be sexually harassing him or her may bring it to the attention of an administrative officer responsible for the unit in which the harassment occurred or the alleged harasser

works.

Examples of the appropriate administrative officer, depending upon where the alleged harassment occurred, are the faculty member responsible for the class, the department chairperson or the dean of the college, a residence hall staff member, the Director of Greek Affairs, the head coach or the Athletic Director, the Director of University bands, the employee's supervisor, the Director of Recreational Sports, the organization's advisor, etc.

The student may prefer, however, to discuss the matter initially with the University personnel designated to assist in the resolution of sexual harassment matters. The designated individual for alleged sexual harassment by a University employee (including a member of the faculty or academic staff) is the Assistant Director of Employee Relations in the Office of Human Resource Management. The designated individual when the alleged sexual harasser is a fellow student is the Dean of Students or his or her designee in the Office of the Dean of Students. When the designated office receives a complaint, the unit head or supervisor of the person against whom the complaint is made if the person is an employee of the University, will be immediately notified. If appropriate, that unit head or supervisor should immediately suspend any authority relationship between the complainant and the accused. If the alleged harasser is a fellow student, the Dean of Students may take steps to immediately end all required contact between the accused and the accuser, and instruct the accused to cease all contact with the accuser.

The person receiving the complaint must provide the complainant with a copy and explanation of this policy statement. Any administrative officer receiving a complaint under this policy must provide notice to the University's Human Resource Management Office that an allegation of sexual harassment has been made. If the alleged harasser is a student, the Dean of Students Office must be notified of the complaint.

Although considerable latitude exists in how a charge of sexual

harassment is addressed informally, informal resolution requires that the accuser, the accused and, if appropriate, the accused's administrative superior all be willing to seek informal resolution of the matter. Any of the parties may decline informal resolution process. If the matter is resolved informally, both the accused and the accuser should signify in writing their agreement with the terms of informal resolution and this agreement should be witnessed in writing by the Dean of Students and the accused's administrative superior, if appropriate. The Dean of Students Office or, in the case of an employee, Human Resource Management, must be consulted prior to written resolutions and receive a copy of the resolution.

B. Formal Procedures

If an attempt at informal resolution is unsatisfactory to the complainant, the accused, the unit head, or the accused's superior; if the sexual harassment continues after informal procedures have been exhausted; or if the complainant, the accused, the unit head, or the accused's superior is unwilling or unable to deal with the situation under the guidelines for informal procedure, the complainant may file a formal charge of sexual harassment.

Formal procedures require the complainant to file a signed, written statement alleging sexual harassment, which must include the following: the name of the complainant; the name of the accused; the nature of the alleged violation as defined in this policy statement; the date(s) of the occurrence(s); the names of any witnesses to the occurrence(s), the place(s) of the occurrence, and the resolution(s) sought.

The Dean of Students and the Director of Human Resource Management are responsible for administration of the University's policy on sexual harassment. Specific responsibility to investigate a charge of sexual harassment brought against an employee (including member of the faculty and academic staff) under PS-73 has been delegated to the Assistant Director for Employee Relations (304 Thomas Boyd Hall, 504/388-8434). Responsibility to investigate a charge of

sexual harassment brought against a student under PS-95 rests with the Dean of Students Office (122 Johnston Hall, 504-388-4307). The individual investigating the charge will advise and assist the student in understanding the review procedure. Formal charges of sexual harassment brought against a student will be investigated and resolved in accordance with the provision of the **Code of Student Conduct**.

The individual receiving the statement will immediately notify the unit head or supervisor of the person against whom the allegation is made. If appropriate, that unit head or supervisor should immediately suspend any authority relationship between the complainant and the accused.

The use of this formal procedure in no way limits a resolution that is agreeable to all parties at any stage. However, any such mutually agreed resolution must be documented in writing and signed by the accuser, the accused, and the unit head or administrative superior of the accused. For both the formal and informal procedure: when a member of the faculty or academic staff is charged with sexual harassment, the Vice Chancellor for Academic Affairs and Provost will be informed.

RETALIATION:

Employees, students and other individuals involved in a sexual harassment complaint or investigation are protected from retaliation of any form. Any individual violating the prohibition against retaliation may be subject to disciplinary action.