

## SEXUAL HARASSMENT POLICY AND PROCEDURE

### INTRODUCTION

This publication is designed to help students, staff, faculty, and administrators of Northwestern State University understand and comply with the prohibitions against sexual harassment established by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1962, as amended, and state laws.

The possibility of sexual harassment exists in relationships between people of the same or different gender. It may occur in various relationships, i.e., between a supervisor and employee, faculty and student, student and student, employee and employee, between members of student organizations, or other university entities, etc.

Contained in this pamphlet is the University's policy and sexual harassment and procedures for reporting allegations of sexual harassment.

### NORTHWESTERN STATE UNIVERSITY'S POLICY ON SEXUAL HARASSMENT

No employee or student at Northwestern State University shall be subjected to unsolicited and unwelcome sexual conduct, either verbal or physical. Sexual harassment violates University policy as well as state and federal laws and is specifically prohibited. It is neither permitted nor condoned.

Members of the University community—students, staff, faculty and administrators—are entitled to a professional environment free of harassment or interference for reasons unrelated to the performance of their duties. Since some members of the community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power, so as to avoid actions that are abusive or unprofessional. Faculty and supervisors, in particular, in their relationships with students and fellow employees, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to a strictly professional relationship. It is the responsibility of faculty, staff and students to behave in such a manner that their words or actions will not reasonably be perceived as suggestive or coercive.

It is also a violation of this policy for any employee or student at the University to attempt in any way to retaliate a person who makes a claim of sexual harassment.

### DEFINITION

Sexual harassment has been defined by the Equal Employment Opportunity commission as unwelcome sexual advances, including requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- 1) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment; or
- 2) Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or
- 3) Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment, or adversely affecting any student.

### PROCEDURES FOR RESOLUTION OF SEXUAL HARASSMENT COMPLAINTS

Any University employee, student, staff member, faculty member, administrator, or other member of the University community who believes that he or she has been sexually harassed may seek to resolve the matter through the informal as well as

the formal procedure described below. Complaints will be handled informally while grievances may involve a formal investigation and may result in hearings. If a satisfactory resolution is not reached informally, the complaint may follow the grievance procedure.

Complaints are encouraged to follow the procedure outlined to resolve a sexual harassment complaint. However, the University recognizes that matters of this sort may often be awkward or embarrassing to individuals and that in some cases the Complainant may find it difficult to discuss these matters with one or more of the designated University Officers. Therefore, in addition to the University Officer or administrator already designated in the process described below, the Complainant may also seek the assistance of the Director of Minority Affairs, the EEO/AA Director, or any other supervisory personnel.

#### INFORMAL COMPLAINT RESOLUTION

In most instances, in the interest of collegial relationships, complaints or concerns should be initially expressed to the individual(s) involved.

1. If individuals who believe they have been the subject of sexual harassment or sexual intimidation (hereinafter referred to as "Complainants") have been unable, for whatever reason, to resolve the matter with the individual(s) involved, they should consult with the appropriate University personnel described below (hereinafter referred to as "University Officer(s)") and orally present and discuss such complaint in an attempt to resolve the matter.
  - a. Students should contact the Vice President of Student Affairs (room 309 Friedman Student Union).
  - b. Faculty members should contact their director or department head.
  - c. Staff members should consult their supervisor.
2. Upon receiving the initial complaint, the University Officer will schedule a preliminary meeting to discuss the charges, to complete a Sexual Harassment Complaint Checklist (Form A), to determine whether further information is needed, to provide the Complainant with an understanding concerning proper procedures for resolving such disputes, and to attempt to resolve the matter. Attempts to resolve the matter can include, but are not limited to, such options and alternatives as further investigation, discussions with both parties, discussions with other pertinent individuals, mediation and/or compromise.
3. If the University Officer and the Complainant are able to resolve the matter or if the Complainant does not want to proceed with the complaint, the above described University Officer will make a record of the complaint and will take such action as necessary to protect the interest of all parties.
4. If employee Complainants want to proceed with their complaint, they should pursue any such complaint with their Vice President or the Vice President for Business Affairs & Controller who supervises their structural working unit. The Complainant should so advise the University Officer of such decision so that the completed Sexual harassment Complaint Checklist (Form A) and any other pertinent documents can be forwarded to the appropriate Vice President or the Vice President for Business Affairs & Controller.
5. The Vice President or the Fiscal Officer who supervise their working unit will review the completed Sexual Harassment Complaint Checklist (Form A), and discuss with the Complainant the charges. After discussing the charges, the University Officer will complete Form B and C, and attach these to Form A and send to the EEO Officer.
6. If the employee Complainants' discussion with the Department/Division Head, Vice President/Vice President for Business Affairs & Controller does not satisfactorily resolve the matter, the Complainant may file a written

grievance form. Employee Complainants can obtain this form from the EEO/AA Officer, Room 207 Roy Hall.

7. If student Complainants want to proceed with their complaints, the Vice President of Student Affairs will assist the student in initiating the formal grievance process.

#### INFORMAL GRIEVANCE PROCEDURES

If the informal proceedings are deemed inappropriate, for whatever reason, by either party, or if the matter is not resolved through the informal process, the Complainant may initiate the formal grievance procedure.

1. Academic administrator and faculty Complainants should follow the grievance procedure as outlined in the Northwestern State University Faculty Handbook (Chapter II, p. 54-55).
2. Student Complainants should follow the grievance procedure as outlined in the Student Handbook.
3. Staff member Complainants are directed to the Coordinator of Human Resources for the grievance procedure which should be followed (Room 137, St. Denis Hall).

#### CONFIDENTIALITY

To the extent possible, confidentiality will be maintained to protect the privacy of all individuals involved. Only those individuals involved in the resolution of such a case will be given access to information about the case. However, Complainants are advised that confidentiality can only be respected insofar as it does not interfere with the University's obligation to investigate allegations of misconduct which, when brought to the University's attention, require it to take corrective action.

NOTE: Any individual who believes he or she has been the victim of sexual harassment is encouraged to report the incident(s) promptly. Prompt reporting is important to University's ability to conduct complete investigations and to resolve the matter.

Individuals can seek assistance or report complaints concerning incidents of sexual harassment at any of the following:

VP for Student Affairs	Room 309 Friedman Student Union	357-5286
VP for Academic Affairs	Room 104 Roy Hall	357-5361
VP for University Affairs	Room 101 Infirmary	357-5701
VP for External Affairs	Room 103C Prather Coliseum	357-6588
VP for Business Affairs	Room 136A St. Denis Hall	357-4254
NSU Fort Polk Center	Room 108 Building C	357-5058
Nursing Center Shreveport	Room 409 Nursing Ed Center	667-3100
Affirmative Action/EEO Officer	Room 207 Roy Hall	357-5875
Director of Minority Affairs	Room 100 Friedman Student Union	357-6703
Coordinator of Human Resources	Room 137 St. Denis Hall	357-6152
CenLa Programs England Airpark	University Center	487-5822

Northwestern State University of Louisiana is an Affirmative Action/Equal Opportunity Employer.

FORM A  
INFORMAL COMPLAINT

Directions: Complete checklist and send to EEO Officer.

SEXUAL HARASSMENT COMPLAINT CHECKLIST

Date: \_\_\_\_\_

Office/Person receiving complaint: \_\_\_\_\_

1. Name of complainant (at least first name) \_\_\_\_\_

2. Student \_\_\_\_\_ Faculty \_\_\_\_\_ Staff \_\_\_\_\_

3. What happened:

\*Who harassed you? (No name needed yet, but role of person is important, i.e., advisor, supervisor.)

\_\_\_\_\_  
\*How did harassment take place? (Explicit description of alleged action. Sometimes difficult as victim is often embarrassed by the event.) Written statement by complainant is encouraged and may be attached.

\_\_\_\_\_  
\*Where? \_\_\_\_\_

\*When (date and approx. time) \_\_\_\_\_

\*If more than once, how often? \_\_\_\_\_

\*Your Response? \_\_\_\_\_

\*Witnesses? If so, who? \_\_\_\_\_

\_\_\_\_\_  
\*In what way does the alleged harasser have power over your success (present and future)?

\_\_\_\_\_  
\*Do you know of (or perceive) any consequences or effects of your response? Explicitly stated? Implied? \_\_\_\_\_

\*Who, if anyone, did you tell? \_\_\_\_\_

\*When? \_\_\_\_\_

\*Where? \_\_\_\_\_

\*What did you tell her/him? \_\_\_\_\_

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\*What was his/her response? \_\_\_\_\_

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\*Do you think there might be other victims? \_\_\_\_\_

\*What would you like to have done? \_\_\_\_\_

For you? \_\_\_\_\_

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For others? \_\_\_\_\_

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With respect to the alleged harasser? \_\_\_\_\_

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\_\_\_\_\_  
Signature of Grievant

\_\_\_\_\_  
Signature of person receiving grievance

\_\_\_\_\_  
Date

FORM B  
REPORT FORM FOR SEXUAL HARASSMENT CASES

Directions: Complete and attach to the Sexual Harassment Complaint Checklist (Form A).

\*Has harassment occurred? (If yes, continue; if no, go to "Action Taken.") \_\_\_\_\_

\*How severe is harassment? \_\_\_\_\_

\*Does this warrant emergency action? \_\_\_\_\_

\*Does the matter seem suitable for informal resolution? \_\_\_\_\_

\*What is the potential for retaliation? \_\_\_\_\_

\*Can I protect the complainant? \_\_\_\_\_

\*How? \_\_\_\_\_

\*What options is complainant willing to pursue? \_\_\_\_\_

Action Taken:

\*If no harassment, resources given \_\_\_\_\_

\*If harassment may exist, information, referrals given \_\_\_\_\_

\_\_\_\_\_  
Signature of Administrator

\_\_\_\_\_  
Date

FORM C  
REPORT FORM FOR SEXUAL HARASSMENT CASE

Directions: Complete and attach to Form A & B

1. Status of Complainant
- Undergraduate Student
- Graduate Student
- Student Employee (Undergraduate)
- Classified Employee
- Non-Classified Employee
- Administrator
- Tenured Faculty
- Non-Tenured Faculty
- Teaching/Research Assistant
- Extension Staff
- Other (Please Specify)
- \_\_\_\_\_
2. Status of Accused
- Undergraduate Student
- Graduate Student
- Student Employee (Undergraduate)
- Classified Employee
- Non-Classified Employee
- Non-Tenured Faculty
- Teaching/Research Assistant
- Extension Staff
- Other
3. Sex of Complainant      M      F
4. Sex of Accused            M      F
5. Relationship of Complainant to the Accused
- Co-Worker             Faculty Member
- Supervisor             Undergraduate Student
- Other                     Graduate Student
- (Please Specify)
- \_\_\_\_\_
6. Date Complaint Received By Administrator:
- \_\_\_\_\_
7. Summary of Issue:

8. Summary of Outcome:

9. Date of Outcome: \_\_\_\_\_

Signature of Administrator: \_\_\_\_\_

Date: \_\_\_\_\_