

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. Central to these laws is the fact that all individuals are to be treated with dignity and respect in order to foster a professional and productive workplace.

The possibility of sexual harassment exists in relationships between people of the same or different gender. It may occur in various relationships at the University (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.). It also may occur with campus visitors, third-party vendors, and contractors.

Contained in this document is the University's policy regarding sexual harassment and procedures for reporting allegations of sexual harassment. Also, employees will participate in mandatory Preventing Sexual Harassment Training and Preventing Sexual Harassment for Supervisors on an annual basis each calendar year. This education is provided through the State of Louisiana State Civil Service LEO (Louisiana Employees Online) portal.

NORTHWESTERN STATE UNIVERSITY'S POLICY ON SEXUAL HARASSMENT

No employee or student or visitor 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, as hostile work environments ensue when people feel unsafe.

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, to avoid actions that are abusive or unprofessional. Faculty and supervisors 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 (hiring, firing, advancement, passing courses, etc.) 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.

PROHIBITED CONDUCT

Sexual harassment has many forms and not all conduct is sexual in nature or explicitly demonstrated. Additionally, a person who witnesses what they perceive to be sexual harassment may experience third-party sexual harassment. Below are examples of sexual harassment:

- 1) Verbal: sexual advances, derogatory comments, vulgar or sexually offensive jokes, sexually insulting noises, sexual innuendo and inquiries, etc.
- 2) Non-Verbal: sexual gestures, lustful staring or leering, sexually suggestive or revealing pictures, drawings, magazines, etc., sexually oriented mail (including electronic), etc.
- 3) Physical: unwanted physical contact such as kissing, touching, fondling groping, etc., sexual assault, battery, and rape, etc.

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 they were 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 grievance 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 Complaint may also seek the assistance of the EEO/AA Director, Human Resources 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 and ask

- 1) If individuals who believe they have been the subject of sexual harassment or sexual intimidation (hereinafter referred to as the “Complainant”) have been unable, for whatever reason, to resolve the matter with the individual(s) involved, they should consult with the appropriate University personnel noted below (hereinafter referred to as a “University Officer”) and orally present and discuss such complaint in an attempt to resolve the matter.
 - a. Students should contact the Vice President for The Student Experience (located in the Student Services Center, Room #249).
 - 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 the employee Complainant wants to proceed, they should pursue any such complaint with their Vice President of their 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.
- 5) The Vice President will review the completed Sexual Harassment Complaint Checklist (Form A) and discuss the charges with the Complainant. After this, 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, Division Vice President does not satisfactorily resolve the matter, the Complainant may file a formal written grievance form. Employee Complainants can obtain this form from the EEO Officer, Room 111, Caspari Hall.
- 7) If the student Complainant wants to proceed with their complaint, the Vice President for the Student Experience will assist the student in initiating the formal grievance process.

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

Executive Vice-President, University & Business Affairs: 318-357-5701
Vice-President/Provost, Academic Affairs: 318-357-6888
EEO Officer/Title IX Coordinator for Employees: 318-357-6359
Director, Human Resources: 318-357-5965
College of Nursing & School of Allied Health: **emailed Pam for information**
CENLA Off-Campus Instructional Site: 318-484-2184 ext. 111
Leesville/Fort Polk Off-Campus Instructional Site: 337-392-3116

FORMAL 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) University employees should follow the grievance procedure as outlined in the Northwestern State University Faculty Handbook effective March 21, 2017 (Chapter 8, p. 52) and Staff Handbook, page 52.
- 2) Student Complainants should follow the grievance procedure as outlined in the current Student Handbook.

NOTE: A special group of investigators, who have been trained in matters relating to sexual misconduct, will be used as the Committee.

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 they have been the victim of sexual harassment is encouraged to report the incident(s) promptly, as this leads to a more efficient time to resolution.