

INTRODUCTION

Northwestern State University (“NSU”) is committed to maintaining an environment free from any type of harassment, discrimination, and retaliation. In furtherance of that commitment, NSU has adopted this policy forbidding harassment, discrimination, or retaliation of any kind against any applicant, employee, or student of NSU. This policy recognizes that harassment, discrimination, and retaliation on the basis of race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status subverts the mission of NSU and is strictly prohibited.

NSU’S POLICY ON DISCRIMINATION, RETALIATION, AND SEXUAL HARASSMENT

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.

I. Nondiscriminatory Policy

In policies, practices, and procedures related to faculty appointments, the University shall not engage in unlawful discrimination in employment against any person because of race, religion, sex, national origin, age, disability, or veteran status. The University shall take affirmative action to employ protected class applicants in accordance with the laws of the United States and the State of Louisiana. Such action shall include, but not be limited to, affirmative efforts with respect to employment, promotion, retention, recruitment, or recruitment advertising; reduction in force, or termination; rates of pay or other forms of compensation; and selection for faculty development activities. Furthermore, the University shall post in conspicuous places notices setting forth the provisions of this policy.

Recognizing the validity of the thesis that no instructional program can be better than those who the instruction regardless of the environment, Northwestern State University is committed to the policy of recruitment of those individuals who have proven capabilities or who show great promise in teaching and research, without regard to race, religion, sex, national origin, age, disability, or veteran status. Emphasis in recruitment is placed on those having a terminal degree, those nearing completion of a terminal degree, or those with exceptional qualifications. In assessing the relative merits of professional degrees, the University strives for equity. The terminal degree should be related to the instructional discipline.

Additionally, the University is committed to providing access to educational programs, tuition assistance, and social and recreational activities for all students without regard to race, religion, sex, national origin, disability, or veteran status.

II. Affirmative Action Policy

It is the policy of Northwestern State University of Louisiana to recruit, hire, train, promote, tenure, and otherwise make personnel decisions without discrimination because of race, religion, sex, national origin, age, disability, or veteran status. Specific policies and procedures comply with Titles VI and VII of the Civil Rights Act of 1964, Executive Orders 11246 and 11375, Title IX of the Education Amendments of 1972, Sections 503 and 504 of the Rehabilitation Act of 1973, Section 402 of the Vietnam Era

Readjustment Act of 1974, the Age Discrimination in Employment Act of 1967 as amended in 1978 and 1986, the Immigration and Reform Act of 1987, the Americans with Disabilities Act of 1990, and all Civil Rights Laws of the State of Louisiana.

These policies, as published in the University's Affirmative Action Plan, apply to academic and non-academic areas of personnel administration at all levels, and include, but are not limited to, recruitment, advertising, testing, hiring, training, tenure, promotions, transfers, leave practices, rates of pay, employee benefit programs, and employee terminations.

III. Sexual Harassment Policy

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 against a person who makes a claim of sexual harassment.

A. 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.

Other unwelcome conduct directed at an applicant, employee, or student because of his or her gender may also be deemed to be sexual harassment.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is the welcomeness of the conduct by the recipient of the conduct, not the intent of the person engaging in the conduct, that is relevant to whether the conduct is harassment. Unwelcomeness of sexual conduct

may not always be apparent. “Putting up with” or submission to sexual conduct does not necessarily mean the conduct is welcome.

Sexual harassment may occur even in relationships involving mutual consent. The potential for sexual harassment exists where there is a professional power differential (e.g., faculty/student, administrator/student, supervisor/employee, tenured/non-tenured). Persons involved in such relationships should be aware of the possibility of perceived coercion.

IV. Prohibited Conduct

A. Sexual Harassment

The following situations may rise to the level of sexual harassment:

1. Verbal conduct of a sexual nature such as talking about sex or sexual feelings, telling sexual jokes or stories, asking personal questions about dating or sexual life, making sexual comments or innuendo, whistling or making other suggestive sounds, repeatedly asking for dates or other personal attentions;
2. Nonverbal conduct of a sexual nature such as displaying materials with sexually suggestive words or pictures, making sexual gestures, giving gifts or other items of a sexual or personal nature, staring at a person’s body or clothing, looking a person up and down, blocking a person’s path, hindering a person’s movement, invading a person’s space by standing closer than appropriate under the circumstances;
3. Physical conduct of a sexual nature such as touching, kissing, hugging, massaging, brushing up against another person, having sex or attempting to have sexual relationships with another person.

B. Protected Categories

Harassment based on race, color, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status of an applicant, employee, or student is also prohibited by NSU. As with sexual harassment, harassment based on any of these categories may include physical, verbal, or nonverbal conduct. The following may constitute harassment in violation of the above protected categories:

1. Racial or ethnic epithets, slurs, jokes, or negative stereotyping.
2. Taunting or displaying written materials or communications demonstrating hostility toward a person because of his or her race, color, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status.

While all unwelcome conduct of a discriminatory nature may not rise to the level of constituting illegal harassment, NSU’s policy seeks to prevent all such conduct. For example, while one racial joke may not constitute illegal racial harassment, it is prohibited. NSU’s policy seeks to prevent all discriminatory conduct based on race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status.

C. Retaliation

NSU does not condone or authorize any kind of retaliation against any applicant or employee who has made a good faith report of conduct which he or she believes may constitute harassment, discrimination or retaliation, opposed any prohibited discriminatory practice, or has participated in any

manner in an investigation or other proceeding about a prohibited discriminatory practice.

Employment decisions about an applicant or employee who has reported possible harassment, discrimination, or retaliation should not be based on the fact that the person has submitted a complaint. Employment decisions should be based only on legitimate business considerations such as performance. Discriminatory verbal, nonverbal, or physical conduct should not be directed at any applicant or employee because of any protected activity

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 complainant may follow the grievance procedure.

Complainants 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. (#234 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 wants to proceed with their complaint, they should pursue any such complaint with the Vice President 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.

5. The Vice President who supervises 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/Dean and Vice President does not satisfactorily resolve the matter, the Complainant may file a written grievance form. Employee Complainants can obtain this form from the EEO/AA Office, Room 207 Roy Hall.
7. If student Complainants want to proceed with their complaints, the Vice President for Student Affairs will assist the student in initiating the formal grievance process.

FORMAL GRIEVANCE PROCEDURES

If either party deems the informal proceedings inappropriate, for whatever reason, 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 Two, p. 54-56).
2. Student Complainants should follow the grievance procedure as outlined in the Student Handbook.
3. Staff member Complainants are directed to the Director of Human Resources for the grievance procedure that 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 the 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:

Dean of Students	#309 Friedman Student Union	357-5286
Provost/VP, Academic & Student Affairs	#211 Caspari Hall	357-5361
Vice President for University Affairs	#102 CAPA Building	357-5701
Vice President for External Affairs	#103C Prather Coliseum	357-6466
Vice President for Business Affairs & Controller	St. Denis Hall	357-4254
NSU Leesville Center	#108 Building C	337-392-3102
Nursing Center Shreveport	#409 Nursing Education Center	677-3100
EEO Office	#111 Caspari Hall	357-5875
Director, Electronic & Continuing Education	#115 South Hall	357-6100

Director of Human Resources
CenLA Programs England Airpark

#137 St. Denis Hall
University Center

357-6152
484-2184

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

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