

SOUTHERN UNIVERSITY SYSTEM

(Baton Rouge, Law Center, New Orleans, Shreveport)

HANDBOOK

FOR

UNIVERSITY HUMAN RESOURCES

Prepared by

The Office of Human Resources Services

Southern University and A & M College

Southern Branch Post Office

Baton Rouge, Louisiana 70813

First Printing October 1974

Second Printing January 1981

Third Printing December 1983

Fourth Printing December 1999

PART FOUR
SEXUAL HARASSMENT POLICY

AUTHORITY:

Title IX of the Education Amendments of 1972 and 1974134CFR, Part 106), Louisiana Statutes, Louisiana Code of Ethics for State Employees and University policy and regulations.

Sexual harassment is prohibited at Southern University. Any employee or student found to be in violation of this policy will be subject to disciplinary action.

Southern University defines sexual harassment as unwelcome sexual advances, 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 employment or of a student's status in a course, program, or activity; or
2. submission to or rejection of such conduct is used as the basis for decisions affecting the individual, or
3. such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or educational experience or of creating an intimidating, hostile, or offensive environment.

Conduct which falls into the definition of sexual harassment includes, but is not limited to:

- I. Unwelcome physical contact of a sexual nature such as patting, pinching or unnecessary touching.
2. Overt or implied threats against or promises and actions that give an advantage to an individual to induce him or her to perform sexual favors or to engage in an unwelcome sexual relationship.
3. Verbal harassment or abuse of a sexual nature, including intimidating by way of suggesting a desire for sexual relations or making jokes or remarks of a sexual nature to or in front of a person who finds them offensive.
4. Use of sexually suggestive terms or gestures to describe a person's body, clothing or sexual activities.
5. Displaying or posting offensive sexually suggestive pictures or materials in the classroom or workplace.

Southern University is committed to ensuring that the work, classroom, study and social environments on its campuses are free of sexual harassment. Toward that end, should any incidents occur, the university provides a means by which students, staff and faculty may seek recourse. Any questions regarding sexual harassment in general or reporting of a specific case should be addressed to the EEO Coordinator, Department Head or the appropriate official designated by the System President or respective campus Chancellor.

PROCEDURE FOR FILING A COMPLAINT

The Equal Employment Opportunity Officer shall administer the policies and procedures outlined in this document. There shall be staff identified in the EEO Office to respond to inquiries and answer questions regarding these policies and procedures, and to provide informal advice or give directions for securing advice to persons who are not sure whether they have been victims of sexual harassment

In the case of a student complaint against a faculty member, a complaint should be filed within twenty (20) working days after the beginning of class during the semester following that in which the alleged harassment occurred. Other complaints should be filed within sixty (60) days of the alleged act(s) of sexual harassment. Timely filing of complaints is encouraged.

INFORMAL COMPLAINTS

1. Any person (student, employee, job applicant) who believes that he/she has been or is the victim of sexual harassment may elect to file an informal complaint with the EEO officer. (Location of his/her office and number is stated annually in each Campus's Affirmative Action Plan).

2. The EEO Officer or his/her designee shall hear the Informal Complaint, conduct an investigation of the complaint and prepare a report of his/her findings. Thirty (30) days shall be allotted for the attempt to resolve an informal complaint.
3. If there is no satisfactory resolution of the complaint using the informal procedure, or the complainant wishes to bypass this procedure, he or she may initiate a formal complaint.

FORMAL COMPLAINTS

A formal complaint must be made in writing to the EEO Officer. The complaint shall contain the following:

1. The name of complainant
2. A statement of the act(s) complained of
3. The name of the alleged offender
4. Date(s) or approximate date(s) on which the offending act(s) occurred
5. The name(s) of any witnesses
6. The desired resolution(s)

A formal complaint must be filed within sixty (60) days of the alleged act(s) of sexual harassment, or in the case of a student complaint against a faculty member, within twenty (20) working days of the beginning of class of the semester following that in which the alleged harassment occurred. Where an informal complaint has already been filed, a formal complaint shall be filed within one hundred (100) days of the alleged act(s), or sixty (60) days after the complainant's receipt of the EEO officer's findings, if the recommended resolution is unsatisfactory.

During the investigation of a complaint, conciliation may be attempted for the purpose of reaching an amicable settlement. **If** conciliation of the complaint is successfully achieved between the parties, the terms thereof shall be communicated by the EEO officer to the President, the campus Chancellor, the complainant, the alleged offender, the immediate supervisor, the department head and/or Dean, as appropriate. If the alleged offender fails to honor a negotiated conciliation agreement or retaliate against the complainant, the complainant should notify the EEO officer or his/her designee who, in turn, shall notify the campus Chancellor and President or a designee. The Chancellor may require the investigation to proceed as

if conciliation was not achieved. **If** conciliation is not achieved when attempted, the investigation of the complaint shall continue and the written findings concerning probable cause will be issued within a maximum of ninety (90) days, with notice of same to all of the above referenced parties.

1. Either party may appeal the findings of the EEO officer to the Chancellor or his designee by filing a written request for review within ten (10) days of receipt of the EEO Officer's findings.
2. The review process shall be completed at this level within thirty (30) days of receipt of the appeal and the findings communicated to the appellant and other affected parties.

PROBABLE CAUSE FINDING

Upon acceptance of a finding of probable cause, the immediate supervisor, department head, dean or vice chancellor, as appropriate, may offer a reasonable resolution to the complaint and may also recommend or take disciplinary action against the alleged offender. Disciplinary action(s) shall be taken in accordance with the rules and regulations affecting the class of employee and/or the terms of any applicable university rules, regulations or agreements.

PROHIBITION OF RETALIATION

Retaliation against a complainant by any University employee or student is expressly prohibited. Any attempt to penalize a student, employee or agent for initiating a complaint through any form of retaliation shall be treated as a separate incident of sexual harassment.

FRIVOLOUS OR MALICIOUS COMPLAINTS

If a claim of sexual harassment is found to be frivolous or malicious, appropriate University sanctions shall be taken against the complainant, including disciplinary action as appropriate. Disciplinary action against students shall be taken in accordance with the University's Code of Conduct for Students.

CONCURRENT GRIEVANCE

A complaint that is concurrently filed by the complainant with another University Unit or through an external administrative process shall cause further action by the EEO Officer to cease until the other process is completed. Further review by the EEO Officer shall commence only upon notice to him/her of the findings of the other unit and of the complainant's desire that the investigation be completed. Nothing contained in this rule shall be construed so as to affect the right of a complainant to pursue the matter with an appropriate enforcement agency.

GENERAL OVERSIGHT RESPONSIBILITY

All University administrators shall continuously monitor the work and academic environment and take corrective action whenever instances of sexual harassment are observed or reported to them. The matter may be internally resolved in the unit or reported to the EEO Officer for appropriate action.

NOTIFICATION OF POLICY

This policy shall be widely disseminated and posted to assure that faculty, staff, students and job applicants clearly understand what constitutes acts of sexual harassment and recognize that the University regards sexual harassment as a serious offense which will not be tolerated.

The full policy shall be made available to administrators at all levels of authority. Additional copies shall be available through the Office of Human Resources Services, and the Vice Chancellor for Student Affairs. Abbreviated versions shall be made available to students, faculty and staff. Additionally, this policy shall be included in University catalogs, Human Resources and policy handbooks and manuals and university media. Workshops, seminars and other educational programs shall be periodically offered to University Human Resources regarding the topic of sexual harassment.

FORMS

Complaints of sexual harassment may be filed by letter containing the above referenced information or on the Inequity/Discrimination Complaint Form available in the Office of Human Resources Services/EEO Office, the Campus Police Office or the Office of the Vice Chancellor for Student Affairs, and the SGA Office. The Inequity/Discrimination Form can be found at the end of this handbook as well.

PART FIVE RELIGIOUS AND NATIONAL ORIGIN GUIDELINES

Southern University will promote and ensure Equal Employment Opportunity for all persons employed or seeking employment. Affirmative action will be taken to ensure that applicants are employed and that employees are treated fair during employment without regard to their religion or national origin.

Southern University will accommodate the religious observances and practices of an employee or prospective employee unless the University sees a given request as unreasonable. In addressing each case, Southern University will make a determination based on at least the following factors: (a) business necessity, (b) financial costs, and (c) resulting Human Resources problems.