

SUBJECT: Policy on Sexual Harassment

Purpose

To be in compliance with Section 703 of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Executive Order No. BJ 2014-14, the Louisiana Board of Regents, Louisiana State University Title IX and Sexual Misconduct Policy ([PM 73](#)), and the Equal Opportunity Policy ([PM 55](#)). Sexual harassment is a violation of Title IX of the Education Amendment of 1972, which prohibits discrimination based on sex in educational institutions receiving federal financial assistance.

Sexual Relationships and Professional Conduct

In order for productive learning and the support thereof, members of the LSU Eunice campus community, i.e. faculty, students, administrators, and staff, should pursue their responsibilities guided by a strong commitment to principles of mutual trust and confidence and professional codes of conduct.

It should be understood by all members of the campus community that sexual relationships that occur in the context of educational or employment supervision and evaluation are generally deemed very unwise because they present serious ethical concerns. Faculty, administrators, and staff shall not engage in sexual and/or romantic relationships with any student over whom they have direct authority in terms of employment or educational decisions. Direct authority over a student includes, but is not limited to, the following situations: students enrolled in a faculty member's course; supervisors of work study or student employees; advisors to organizations or clubs and members of that organization or club; coaches or trainers of an athletic team and members of that team; counselors and student clients; academic advisors and their advisees.

Faculty and supervisors are warned about the possible costs of even an apparently consenting relationship. The reasons for entering into such a relationship may be a function of the power differential. Furthermore, even in a seeming consensual relationship, where power differentials exist, there are limited after-the-fact defenses against charges of sexual harassment. The individual with the power in the relationship will bear the burden of accountability. Lastly, such a relationship may affect the educational or employment environment for others by creating an appearance of improper, unprofessional, or possibly discriminating conduct. See LSU Permanent Memoranda [PM 55](#) (Equal Opportunity Policy dated July 10, 2006), and [PM 73](#) (Title IX and Sexual Misconduct Policy dated December 15, 2015) for further information.

Definitions

Sexual harassment consists of unsolicited and unwelcome sexual behavior. It is coercive or offensive conduct in a non-reciprocal relationship.

1. "Quid pro quo" sexual harassment consists of requests for sexual favors, either implied or

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40 explicit, when submission to such requests is made a condition of continued employment,
41 advancement, improved grades, or participation in a University activity.

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- 43 2. "Hostile environment" sexual harassment consists of unwelcome sexual advances,
44 requests for sexual favors, sexual flirtation, graphic or degrading comments or gestures of a
45 sexual nature, and the display of sexually offensive objects or pictures. Sexual harassment
46 does not refer to occasional compliments of a socially acceptable nature; it refers to
47 repeated behavior which is unwelcome and personally offensive.
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- 49 3. "Sexual assault" consists of unwelcome physical contact of a sexual nature. It includes
50 kissing, stroking, fondling, coerced sexual intercourse, and rape or attempted rape.
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- 52 4. A "responsible party" is defined in [PM 73](#) as any employee who has the authority to take
53 action to redress sexual violence or who has been given the duty of reporting incidents of
54 sexual violence or any other misconduct by employees or students to the Title IX
55 Coordinator or designee; or whom an employee or student could reasonably believe has
56 the authority or duty; or any student employees.

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58 Further definitions associated with sexual harassment are contained in [PM 73](#).

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60 Sexual harassment can occur between members of the same sex as well as members of the
61 opposite sex. It can occur between peers as well as between people who are in a superi-
62 or/subordinate relationship. It can occur between any members of the LSU Eunice campus
63 community, including faculty, staff, and students. An incident of sexual harassment can also occur
64 between a member of the LSU Eunice community and a visitor, patron, client, or contractor working
65 for LSU Eunice.

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67 **General Policy**

68 It is the policy of LSU Eunice that all members of the campus community should be able to enjoy a
69 work and/or educational environment free from sexual harassment. Such conduct as described
70 above -- whether committed by supervisors, non-supervisors, faculty, staff personnel, students,
71 visitors, contracted personnel or others -- is prohibited. All members of the university must be
72 aware of sexual harassment, whether intended or inadvertent, and take a proactive stand against
73 it.

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75 Supervisors shall take a proactive role in preventing sexual harassment. They must understand
76 LSU Eunice policy and procedure on sexual harassment and enforce acceptable behavior among
77 faculty, staff, and students; observe and be aware of potential sexual harassment behaviors in and
78 out of the classroom; model appropriate behavior; and alert the Title IX Coordinator and AA/EEO

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79 Officer or designee should an incident occur.

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81 The Title IX/AA/EO Officer or designee shall promote awareness and sensitivity of sexual
82 harassment issues across the campus. Should an incident occur, the Title IX Coordinator and
83 AA/EEO Officer or designee shall take the appropriate steps outlined in the procedure section to
84 resolve the incident in an expeditious and impartial manner.

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Procedure

87 Initial Action(s) by Harassed Party:

88 An individual who feels harassed shall immediately tell the harasser (through face-to-face contact,
89 in writing, or through a third party) to stop what the individual feels is offensive behavior. The
90 individual who feels harassed should also keep records of the incidents.

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- 92 1. An individual who wishes to make a complaint may use either formal or informal
93 procedures. Complaints must be filed with the Title IX Coordinator and AA/EEO Officer or
94 designee. A person may make a complaint to any member of campus considered to be a
95 "responsible party".

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97 Any complaints made about a member of the university community who uses verbal/physical
98 abuse directed toward an individual or a group based on their sex or who creates a sexually
99 intimidating, hostile working/learning environment shall be addressed immediately. The person
100 shall be told that such behavior is not acceptable and not tolerated at the university. NOTE: Since
101 sexual harassment charges constitute a federal offense, complainants should take this matter
102 seriously in bringing complaints against others.

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104 Informal Procedure:

- 105 1. Within 180 days the complainant shall contact someone whom he/she trusts, e.g., a
106 counselor, advisor, faculty member, administrator, or campus security.
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- 108 2. Under all circumstances, this university member must refer the complaint to the Title IX
109 Coordinator and AA/EEO Officer or designee on campus. In the event that the Title IX
110 Coordinator and AA/EEO Officer is charged with sexual harassment, the complaint shall be
111 filed with the Office of Human Resources.
- 112
- 113 3. The Title IX Coordinator and AA/EEO Officer or designee shall refer to [PM 55](#) and/or [PM](#)
114 [73](#) to investigate the allegations and attempt to resolve the complaint using informal
115 discussion and negotiation. It is important that all communications be kept confidential.

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117 Note: If during the informal investigation, it is determined that the violations committed were

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118 intentional and/or part of a behavioral pattern, more formal procedures may be initiated at any time
119 by the Title IX Coordinator and AA/EEO Officer or designee.

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121 Formal Procedure:

122 For a formal complaint, the following procedure shall be taken.

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124 1. A sexual harassment complaint, in compliance with federal regulations, shall be filed no
125 later than 180 days after the incident occurs.

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127 2. The complaint shall include complainant's name and the name of the accused, a
128 description of the alleged incident(s), location, date, and times, names of witness(es), if
129 available, and the desired resolution by the complainant. The complaint can be in writing
130 but is not required.

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132 3. The complaint shall be filed with one of the following:
133 a. Title IX Coordinator and AA/EEO Officer or designee
134 b. a "responsible party" of the University
135 c. campus security
136 d. local law enforcement.

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138 Anyone, other than the Title IX Coordinator and AA/EEO Officer, receiving a formal complaint
139 alleging sexual harassment must report the complaint to the Title IX Coordinator and AA/EEO
140 Officer or designee immediately or within 24 hours. The Title IX Coordinator and AA/EEO Officer or
141 designee shall refer to [PM 55](#) and/or [PM 73](#) to investigate the allegations and attempt to resolve
142 the complaint using formal or informal discussion and negotiation.

143 The Title IX Coordinator and AA/EEO Officer or designee, in conjunction with the
144 appropriate supervisor, shall inform the alleged offender of the allegation.

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146 It is strongly suggested that individuals who have been accused of sexual harassment
147 contact any of the following persons for assistance and advice:

148 a. Deans
149 b. Supervisor
150 c. Appropriate Vice Chancellor
151 d. Title IX Coordinator and AA/EEO or designee
152 e. legal counsel

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154 4. During the entire process, confidentiality must be maintained. Thus, dissemination of
155 information relating to the case shall be limited in order that the privacy of all individuals
156 involved is protected as fully as possible.

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5. The complainant and any witnesses shall be protected from any intimidation or retaliatory action by those named in the complaint.
 6. Once the formal investigation has been completed, the Title IX Coordinator and AA/EEO Officer or designee will make an appropriate recommendation based upon the evidence presented by the parties involved.
 7. If, during the investigation, it is determined that the rights of a student, faculty, staff, or other individual have been violated, then LSU Eunice will take the appropriate disciplinary or corrective action.

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Appeals Procedure

170 Any faculty, staff, or student found in violation of Title IX/AA/EEO or disciplinary action resulting
171 from a Title IX/AA/EEO Violation has the right to an appeal. The appeal must be submitted in
172 writing to the LSU Eunice Chancellor within 10 days of the decision. The Chancellor will submit
173 his/her findings in writing within 15 working days to the party requesting the appeal and any
174 other party the decision effects. The Chancellor's decision will be final.