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# UNIVERSITY OF NEW ORLEANS

## Human Resource Management

### Sexual Harassment Policy

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## Purpose

To reaffirm the University's policy against sexual harassment in any and all areas of the University environment. Harassment on the basis of sex is a violation of Section 703 of Title VII of the civil Rights Act of 1964. Additionally, sexual harassment subverts the mission of the University. It is necessary, therefore, to prohibit such behavior to protect both the individuals involved and the University.

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## Definitions

1. Sexual harassment, as applied specifically to the University, is a form of unlawful discrimination toward anyone within the University community. The University community consists of all students and all employees of the University. Sexual harassment may consist of, but is not limited to, the following:

- (a) actual or threatened sexual contact which is unwanted or unwelcome
- (b) threat or insinuation that the victim's response to sexual overtures will affect the victim's employment, academic standing, or other vital circumstances
- (c) verbal abuse of a sexual nature directed at an individual or a group because of their sex
- (d) action creating a sexually intimidating, hostile, or offensive working/learning environment

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

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## General Policy

Sexual harassment as defined above is unacceptable behavior and will not be tolerated. Sexual harassment is a violation of state and federal law. Sexual harassment has a negative impact on the functioning of the University. Consequently, all members of the University community must be sensitive to the possibility of sexual harassment whether intended or inadvertent. Individuals must recognize this potential and act to prevent it. When sexual harassment has occurred, the University shall take effective and expeditious action.

Individuals in supervisory positions must be aware of their role as agents of the University and shall make every effort to censure such behavior when it occurs. Any member of the University community who is informed of a possible incident of sexual harassment shall make the informer aware of the existence of the University's policy and procedures.

All members of the University community must learn to recognize sexual harassment when it occurs and should be aware of the policy and procedures which govern the handling of allegations of sexual harassment fairly and expeditiously. Since those who may be subjected to sexual harassment may experience disruption in their work or

academic environment and may fear retaliation and public notoriety, investigative procedures must protect their privacy as much as possible.

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## Procedures

### Isolated and Inadvertent Offenses

Members of the University community might, without establishing a pattern of doing so, engage in isolated conduct of the kind described in section (c) and (d) or exhibit a pattern of engaging in such conduct but fail to realize that their actions discomfort or humiliate others. When University administrators become aware that such activities are occurring in their area, they should direct that those engaged in such conduct undertake an educational program designed to help them understand that such conduct is inappropriate and unacceptable.

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### Informal Procedures

Sexual harassment is a sensitive matter; therefore, the complainant should carefully consider the person to whom the incident is first reported. It is vital that the first contact be someone in whom the complainant has trust and confidence. Examples of such contacts include faculty members, counselors, residence hall managers, campus activities administrators, and others listed as contacts under the formal procedures. Under certain circumstances, the persons contacted may then refer the complainant to the appropriate equity advisor.

The officers involved should, in the process of fact-finding, make every effort to resolve the complaint using informal discussion and negotiation, if necessary. Efforts should be made to determine the facts of the incident, to provide appropriate relief to the aggrieved party, if circumstances so warrant, and to resolve the complaint. Throughout the process, all communications will be kept confidential.

If an informal resolution cannot be reached, formal procedures may be pursued.

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## Formal Procedures

A complainant is urged to consider Informal Procedures before instituting Formal Procedures.

1. A sexual harassment complaint must be filed no later than 300 days after the occurrence. The complainant should be aware that Federal regulations allow 300 days for filing a complaint and that Federal regulations are independent of University procedures.
2. Complaints may be filed with any of the following officers:
  - (a) Equity adviser in the appropriate college or administrative unit. Names shall be posted in administrative offices and published in appropriate handbooks.
  - (b) Assistant to the Chancellor for Equal Opportunity
  - (c) Assistant Dean, Office of Student Life
  - (d) Department chair or supervisor who is to immediately consult with the appropriate equity adviser
  - (e) Assistant to the Director, Administration, University Police
3. A complaint shall be submitted in writing and shall include the following:
  - (a) the names of the complainant and respondent
  - (b) description of the perceived problem or alleged incident(s)
  - (c) names of witnesses, if any
4. Officers receiving formal complaints are to report them to the appropriate Dean or Director and to the Assistant to the Chancellor for Equal opportunity within five (5) working days.
5. The Dean, Director, or Assistant to the Chancellor for Equal Opportunity shall inform the alleged offender of the allegation and the identity of the complainant. A written statement of the complaint should be given to both parties.
6. Cases involving sexual harassment are particularly sensitive and demand special attention to issues of confidentiality. Dissemination of information relating to each case should be limited in order that the privacy of all individuals involved is safeguarded as fully as possible. Every effort should be made to protect the complainant from retaliatory action by those named in the complaint.

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## Adjudicating Sexual Harassment Complaints

Complaints shall follow procedures for dealing with misconduct as outlined in the following documents:

COMPLAINTS	DOCUMENT
Against students	Student Handbook, Student Judicial Code
Against faculty	Faculty Handbook, 2.8 University Policy on Faculty Conduct
Against staff	Grievance Procedure, Affirmative Action Plan, Classified appendix III, Unclassified appendix IV.

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### Authority

The authority for the issuance of this policy is derived from Article VII, Section 4 of the Bylaws of the Board of Supervisors for the Louisiana State University Systems. All complaints filed prior to the effective date of this policy will be handled under the provisions of the previous policy. This policy becomes effective October 1, 1993.

It should be noted that this policy is exclusively related to sexual harassment complaints. Any other complaints should be directed through the appropriate administrative channels, as outlined in the Faculty and Student Handbooks.

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