

## Document History

Responsible Administrator: EEO/ADA

Responsible Office: EEO/ADA

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# Discrimination and Harassment Policy

## Policy Statement

Southeastern Louisiana University is committed to maintaining an educational and workplace environment free of any type of discrimination and/or harassment which is illegal and which will not be tolerated. In furtherance of that commitment, this policy forbids discrimination and/or harassment of any kind by or against any applicant, employee, student, or any other individual/group of individuals on the basis of race, color, sex, religion, sexual orientation, gender identity, national origin, disability, genetic information, age, veteran status, political affiliation, citizenship, or retirement status. Cases involving allegations of discrimination and/or harassment by students are covered by the University Code of Conduct, Article IV: Proscribed Conduct. B. Conduct. 3. Abusive Conduct, and are handled as such by the Office of Student Advocacy and Accountability. See:

[http://www.southeastern.edu/admin/stu\\_affairs/handbook/assets/2017\\_2018\\_student\\_handbook\\_web.pdf](http://www.southeastern.edu/admin/stu_affairs/handbook/assets/2017_2018_student_handbook_web.pdf)

## Purpose of Policy

This policy is part of our commitment to comply with the requirements and objectives set forth by Presidential Executive Order 11246, Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Veterans Employment and Readjustment Act of 1972, the Equal Employment Opportunity Act of 1972, Section 901 of Title IX of the Educational Amendments of 1972, the Rehabilitation Act of 1973, the Vietnam Era Veterans' Readjustment Assistance Act of 1974, the Americans with Disabilities Act of 1990, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act of 2008, Louisiana Executive Order 13, all as amended, and Louisiana Executive Order JBE 16.

## Applicability

This policy does not apply

- A. Complaint Allegations of discrimination and/or harassment filed in good faith and in accordance with established procedures.
- B. Discrimination Taking adverse action against, or offering preferential treatment to, an individual/group of individuals based on protected characteristics or status rather than individual merit.
- C. Harassment Unwelcome and objectively offensive physical, verbal, or nonverbal conduct regarding the protected characteristics/status of others, which is so severe or pervasive that it creates an intimidating, hostile or offensive environment and/or interferes with an individual/group of individuals' work or educational activities. This conduct need not have intent to harm; if severe enough, it does not have to consist of repeated incidents; and it need not be directed against a specific individual/group of individuals.
- D. Sexual Harassment Unwelcome conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual/group of individuals' employment or education; (ii) submission to or rejection of such conduct by an individual/group of individuals is used as the basis for a decision affecting that individual/group of individuals' employment or education; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual/group of individuals' employment or education, or creating an intimidating, hostile, or offensive employment or educational environment, and has no legitimate relationship to employment, the subject matter of a course, educational programs (including, but not limited to, athletics) or academic research. Sexual harassment also includes sexual harassment or discrimination of an individual/group of individuals because of the individual/group of individuals' sex and/or gender, including harassment based on the person's nonconformity with gender stereotypes.
- D. Protected Characteristics/Status race, color, sex, religion, sexual orientation, national origin, disability, genetic information, age, veteran status or retirement status.
- E. Retaliation

- B.
  - Denial of leave based on an individual/group of individuals' protected characteristics/status.

consistent with the University's legal obligations. Breaches of confidentiality or privacy committed by anyone receiving a report of harassment or discrimination or investigating the report of same may be considered a separate violation of the Policy and are prohibited by 11.1(a)-3, 6.3(g), 2.6.9(h), 2.2(e), 7.9(P)



stop any such conduct and reasonable steps to prevent any further harassment, discrimination, or retaliation shall be taken.

## Formal Complaint Process Level 2

If either party to a complaint of unlawful discrimination and/or harassment wishes to appeal the Level 1 decision, an appeal of the written decision must be made in writing within 10 business days of the receipt of the Level 1 Complaint determination. The appeal should be sent to the Office of the President of the University who will forward the appeal to the University EEO Advisory Committee for a review and determination.

## Equal Employment Opportunity (EEO) Advisory Standing Committee

Each University shall create an EEO Advisory Standing Committee composed of members of the faculty and staff from various departments. The EEO Advisory Standing Committee should include individuals representing the interests of classified and unclassified staff and should reflect the diverse workforce of the campus. The EEO Advisory Standing Committee for each University will communicate regularly regarding issues related to policy implementation including University climate and systemic concerns. In addition to its other responsibilities, a sub-group of between three (3) and five (5) of the EEO Advisory Standing Committee Members shall serve as the Level 2 appeal review committee for this Discrimination/Harassment process.

Each university shall maintain a pool of trained investigators who are employees of the universities who have had formal training in investigation techniques, policies, and procedures for purposes of resolving administrative complaints and actions within the campus environment. Such individuals should have knowledge in interviewing, evidence collection, and report writing, and will be the primary individuals responsible for making initial inquiries of complainants and respondents in a variety of administrative proceedings.

Prior to the EEO Advisory Standing Committee's review, a trained investigator appointed by the President of the university will:

1. Review and investigate the Level 1 complaint decision;
2. Collect and clarify additional available facts about the alleged incident;
3. Meet with the complainant/complainants and the accused individual, separately, if appropriate.
4. The trained investigator will provide a report to the EEO Advisory Standing Committee within ten working days of receiving the notice of appeal from the President. The EEO Advisory Standing Committee will review the Level 1 decision and the appeal as well as the investigator's report, and will make a determination regarding the Level 1 decision and will provide detailed findings along with any recommendations for appropriate action to the President of the University for his/her consideration. Such work must be completed within ten (10) working days of receipt of the report of the trained investigator. Recommendations may include: uphold the Level 1 decision in full or in part or render an alternative decision in full or in part. The President of the University will review the report submitted by the EEO Advisory Standing Committee and, e7.

The complainant/complainants and the accused individual will be notified of the decisions at each level.

The complainant/complainants will also be notified of all elements of the decision that directly relate to the complainant, involve general campus wide issues, or are otherwise required by state or federal law.

### III. Sanctions

Following an investigation, if a faculty or staff member is found in violation of the policy, that individual may be subject to disciplinary action, and the sanctions may include reprimand, probation, suspension, demotion, reassignment, and termination. In the event that personnel action is determined necessary and appropriate with respect to the accused, the University should use its appropriate personnel policies after a determination regarding the allegation.

### IV. Training

The Compliance Officer on each campus shall identify the human resources personnel as well as the Title IX Officer