

<b>Board of Regents</b>	
<b>Internal Operations Policies and Procedures</b>	
<b>Policy Number</b>	<b>4</b>
<b>Effective Date</b>	<b>10-12-16</b>
<b>Subject</b>	<b>Prohibiting Sexual Harassment and Retaliation</b>

**Purpose**

This policy will establish and state the Louisiana Board of Regents' (hereinafter referred to as the "Board") policy and responsibility regarding sexual harassment as related to its employees, to educate and inform employees regarding this important issue, to provide the options for making a complaint and to set forth guidelines for handling violations of the policy.

**Applicability**

This policy applies to all employees of the Board and to all entities comprising the Board of Regents. The intent of this policy extends to anyone with whom our employees do business including not only individuals who are part of the Board of Regents but vendors, contractors, visitors, etc.

**Policy**

The Board reaffirms and emphasizes its commitment to provide a work environment free from sexual harassment and to provide a means to remedy sexual harassment that employees may have experienced.

The intent of this policy is to express the Board's commitment and responsibility to protect its employees from sexual harassment and from retaliation for participating in a sexual harassment complaint. It is not intended to infringe on constitutionally protected rights. In considering sexual harassment allegations, the Board must be concerned with the rights of both the complainant and the accused.

All Board employees are responsible for helping to assure the absence of sexual harassment in any location where our employees are conducting business. Any employee who feels that he/she has experienced sexual harassment should immediately report this as directed below.

All proven cases of sexual harassment shall result in appropriate corrective or disciplinary action. The severity of the disciplinary action shall be consistent with the seriousness of the act of sexual harassment. This action could include termination of employment. Additionally, under appropriate circumstances, the Board may take action to

protect its employees from sexual harassment by individuals who are not employees of the Board.

## Definitions

Sexual harassment: is a form of unlawful sexual discrimination. It is defined as speech and/or conduct of a sexually discriminatory nature, which was neither welcomed nor encouraged, which would be so offensive to a reasonable person as to create an abusive working environment and/or impair his/her performance on the job.

A man or a woman may be the victim of sexual harassment or the initiator of sexual harassment. The victim does not have to be of the opposite sex of the initiator. Sexual harassment includes both “quid pro quo” and “hostile environment” unlawful discrimination.

Quid pro quo sexual harassment: (Latin for “This for that”) Sexual harassment may involve a situation where unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are made either explicitly or implicitly a term or condition of an individual’s employment and submission to or rejection of such conduct by an individual results in a tangible and adverse employment action. Quid pro quo sexual harassment typically involves an authority relationship in which the recipient is vulnerable with respect to employment so that objection to the demands may have negative consequences. Sexual harassment may occur even in relationships involving mutual consent. The potential for sexual harassment exists where there is a professional power differential. Persons involved in such relationships should be aware of the possibility of perceived coercion. Examples of such potential relationships include supervisors and subordinates, employers and job applicants and other relationships in which one person has the potential to reward or penalize another in regard to his or her employment role.

Hostile environment sexual harassment: Sexual harassment is also defined as unwelcome verbal or physical conduct of a sexual nature or gender-based conduct in which the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. Hostile environment sexual harassment may exist even in the absence of quid pro quo sexual harassment or the absence of an authority relationship. Examples include unwelcome touching; persistent, unwanted sexual/romantic attention or display of sexually oriented materials; deliberate, repeated gender-based humiliation or intimidation; and similar sexually oriented behavior of an intimidating or demeaning nature.

Employees: are defined as all persons having any employment relationship with the Board.

## Procedures

Because sexual harassment may involve a wide range of sexually oriented behaviors and is, in part, a function of the way in which such behaviors are perceived, the way in which a given incident is appropriately treated depends on its effect upon the recipient as well as upon

the specific behavior itself. For example, simply informing the initiator through verbal or written communication that the behavior is unwelcome and should cease may be sufficient to end it. On the other hand, the situation may be such or the behavior may be so extreme that the recipient is unwilling or unable to deal with it in this way. No employee is required to report or make a complaint of sexual harassment to the person who is engaging in the problematic conduct.

To help the recipient determine how best to remedy sexual harassment, as well as to insure that appropriate measures are taken when warranted, anyone who believes himself or herself to have been subjected to sexual harassment may make use of both informal and formal resolution procedures. Both sets of procedures will operate under the general principals of fairness and confidentiality and must provide that a charge of sexual harassment is carefully reviewed to determine whether the conditions in the preceding definitions have been met and to further provide that the rights of both the complainant and the accused are protected. No Board disciplinary action for sexual harassment shall be imposed on an employee or other individual falling under the scope of this policy except in accordance with the provisions of this policy.

#### **A. Informal Procedures**

An employee who believes he/she has been subjected to sexual harassment or who believes either an employee or an individual associated with the Board may be sexually harassing him or her may bring it to the attention of his/her immediate supervisor, any supervisor or manager within the Board office, the appointing authority, any associate or deputy commissioner, or the Personnel Officer. This person shall inform the Equal Employment Opportunity Officer (EEOO) who is responsible for addressing sexual harassment complaints. When the EEOO receives a complaint, the supervisor of the person against whom the complaint is made or the Appointing Authority will be notified immediately. If appropriate, that supervisor or the Appointing Authority should immediately suspend any authority relationship between the complainant and the accused.

The EEOO after receiving the complaint must provide the complainant with a copy of the complaint as well as a copy and explanation of this policy.

Although considerable latitude exists in how a charge of sexual harassment is addressed informally, this procedure is optional and a person can choose to bypass, discontinue, or initiate a formal complaint at any time during the informal process. The complainant, the person receiving the complaint, the EEOO and the Appointing Authority will jointly determine how best to handle the complaint. The information reported to the Board related to a complaint will be treated as confidentially as possible with only those with a need to know being informed of the complaint.

If the matter is resolved informally, both the accused and the complainant should signify in writing their agreement with the terms of the informal resolution and this agreement should be witnessed in writing by the EEOO and the accused's administrative supervisor, if appropriate. The Appointing Authority must be consulted prior to signing a written resolution and must receive a copy of the resolution once it is executed by the individuals described above.

## **B. Formal Procedures**

Under the formal procedure, the complainant should file the complaint with the EEOO. Formal procedures require the complainant to file a signed, written statement alleging sexual harassment. A formal investigation of the complaint will be conducted to determine if sufficient evidence exists to conclude that a violation of the Board's sexual harassment policy has occurred.

The EEOO receiving the statement will immediately notify the Appointing Authority. If appropriate, the Appointing Authority should immediately suspend any authority relationship between the complainant and the accused.

The use of this formal procedure in no way limits a resolution that is agreeable to all parties at any stage. However, any such mutually agreed to resolution must be documented in writing and signed by the complainant, the accused, and the section head or administrative superior of the accused.

The individuals involved in the complaint will be notified about its resolution.

It is a violation of this policy for an individual to make an intentionally false and/or malicious accusation of sexual harassment. Any individual who is found to have made an intentionally false and/or malicious accusation of sexual harassment will be subject to disciplinary action. This is not intended to discourage complaints and/or reports when there is sincere belief that sexual harassment or retaliation has occurred.

### **Retaliation**

Employees, witnesses and/or other participants involved in a sexual harassment complaint or investigation are protected from retaliation of any form. Any employee violating the prohibition against retaliation may be subject to disciplinary action up to and including termination.

## ACKNOWLEDGEMENT

I acknowledge that I have received a copy of the Board of Regents' Policy Prohibiting Sexual Harassment and Retaliation. I understand that it is my responsibility to read and understand this Policy and to abide by this Policy.

I also understand that I have an obligation, if I become aware of any conduct that I believe may constitute harassment or retaliation, to report that conduct immediately to the appropriate person(s) as set forth in the Policy.

ACCEPTED AND AGREED:

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Date