

University of Louisiana System

**Title: PROHIBITING WORKPLACE  
AND SEXUAL HARASSMENT,  
DISCRIMINATION AND  
RETALIATION**

**Effective Date: February 28, 2003**

**Cancellation: None**

**Chapter: Miscellaneous**

**Policy and Procedures Memorandum**

**General Policy Statement:**

The University of Louisiana System (“ULS”) is committed to maintaining an environment free from any type of harassment, discrimination, and retaliation. In furtherance of that commitment, the ULS has adopted this policy forbidding harassment, discrimination, or retaliation of any kind against any applicant, employee, or student of the ULS office. This policy recognizes that harassment, discrimination, and retaliation on the basis of race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status subverts the mission of the ULS and is strictly prohibited.

**I. Prohibited Conduct**

**A. Discrimination**

Discrimination against any individual with respect to any aspect of his or her employment, including hiring, discharge, compensation, or any other terms, conditions, or privileges of employment, because of the individual’s race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status is illegal and will not be tolerated at the ULS.

**B. Sexual Harassment**

Sexual harassment is prohibited and is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:

1. Submission to that conduct is made a term or condition of employment,
2. Submission to, or rejection of, that conduct is used as a basis for employment decisions affecting the employee, or
3. That conduct has the effect of unreasonably interfering with an individual's work performance or of creating a hostile, offensive, or intimidating work environment.

Other unwelcome conduct directed at an applicant, employee or student because of his or her gender may also be deemed to be sexual harassment.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is the welcomeness of the conduct by the recipient of the conduct, not the intent of the person engaging in the conduct, that is relevant to whether the conduct is harassment. Unwelcomeness of sexual conduct may not always be apparent. "Putting up with" or submission to sexual conduct does not necessarily mean the conduct is welcome.

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

Examples of conduct that may rise to the level of sexual harassment include:

1. Verbal conduct of a sexual nature such as talking about sex or sexual feelings, telling sexual jokes or stories, asking personal questions about dating or sexual life, making sexual comments or innuendo, whistling or making other suggestive sounds, repeatedly asking for dates or other personal attentions;

2. Nonverbal conduct of a sexual nature such as displaying materials with sexually suggestive words or pictures, making sexual gestures, giving gifts or other items of a sexual or personal nature, staring at a person's body or clothing, looking a person up and down, blocking a person's path, hindering a person's movement, invading a person's space by standing closer than appropriate under the circumstances;
3. Physical conduct of a sexual nature such as touching, kissing, hugging, massaging, brushing up against another person, having sex or attempting to have sexual relations with another person.

**C. Harassment Based on other Protected Categories**

Harassment based on the race, color, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status of an applicant, employee or student is also prohibited at the ULS office. As with sexual harassment, harassment based on any of these categories may include physical, verbal, or nonverbal conduct.

Examples of actions that may constitute harassment in violation of this policy include racial or ethnic epithets, slurs, jokes, or negative stereotyping. Taunting or displaying written materials or communications demonstrating hostility toward a person because of his or her race, color, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status are other examples of prohibited conduct.

While all unwelcome conduct of a discriminatory nature may not rise to the level of constituting illegal harassment, the ULS policy seeks to prevent all such conduct. For example, while one racial joke may not constitute illegal racial harassment, it is prohibited. The ULS policy seeks to prevent all discriminatory conduct based on race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, or veteran status.

**D. Retaliation**

The ULS office does not condone or authorize any kind of retaliation against any applicant or employee who has made a good faith report of conduct which he or she believes may constitute harassment, discrimination or retaliation, opposed any prohibited discriminatory practice, or has participated in any manner in an investigation or other proceeding about a prohibited discriminatory practice.

Employment decisions about an applicant or employee who has reported possible harassment, discrimination, or retaliation should not be based on the fact that the person has submitted a complaint. Employment decisions should be based only on legitimate business considerations such as performance. Discriminatory verbal, nonverbal, or physical conduct should not be directed at any applicant or employee because of any protected activity.

## **II. Reporting Requirements**

Any employee who experiences any conduct that he or she believes may constitute harassment, discrimination, or retaliation has an obligation to report it to any Board official, supervisor, or the Vice President for Academic Affairs. No employee is required to report or make a complaint of harassment, discrimination, or retaliation to the person who is engaging in the problematic conduct.

To insure that situations that may involve harassment, discrimination, or retaliation are handled appropriately, any office administrator or supervisor who is a recipient of a complaint or report of possible violation of the policy will immediately notify the Vice President for Academic Affairs for advice and assistance on how to respond to the complaint.

Any employee who becomes aware of any conduct that he or she believes may constitute harassment, discrimination, or retaliation has a similar obligation to report that conduct regardless of whether he or she is personally involved in the conduct and regardless of whether the conduct involves other employees or students, vendors, or others in the work environment.

## **III. Investigation Procedures and Penalties for Discrimination**

Whenever the ULS office receives a report of conduct that alleges harassment, discrimination, or retaliation, it will promptly conduct an investigation to gather available facts and to determine whether or not prohibited conduct has occurred. If an investigation confirms either that harassment, discrimination, or retaliation has occurred or that conduct in violation of this policy has occurred, the ULS will take prompt and appropriate action to stop any such conduct and will take reasonable steps to prevent any further harassment, discrimination, or retaliation. To the fullest extent practicable and consistent with a thorough investigation, all complaints will be kept confidential. Any employee found to be in violation of this policy will be subject to appropriate disciplinary action or other corrective action up to and including termination of employment.

**IV. Acknowledgement**

I acknowledge that I have received a copy of the ULS Office Policy Prohibiting Workplace and Sexual Harassment, Discrimination, and Retaliation. I understand that it is my responsibility to read and understand this Policy and I further agree 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, discrimination, or retaliation, to report that conduct immediately to the appropriate person(s) as set forth in the Policy.

**ACCEPTED AND AGREED:**

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\_\_\_\_\_ Signature

\_\_\_\_\_ Name (printed)

\_\_\_\_\_ Date

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*Policy References:*  
U.S. Equal Employment Opportunity Commission

*Review Process:*  
System Administration Staff  
Legal Counsel

*Distribution:*  
System Personnel