

Policy Number: M-(11) a

University of Louisiana System

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

Effective Date: December 3, 2010

Cancellation: February 28, 2003

Chapter: Miscellaneous

Policy and Procedures Memorandum

The University of Louisiana System (ULS) is committed to maintaining an environment free from any type of harassment, discrimination, and retaliation which is illegal and which will not be tolerated. In furtherance of that commitment, this policy forbids harassment, discrimination, or retaliation of any kind by or against any applicant, employee, student, or any other individual on the basis of race, color, gender, age, religion, national origin, citizenship, disability, sexual orientation, genetic information, retirement or veteran status.

Each campus shall adopt an Equal Opportunity Policy consistent with this Memorandum. and in accordance with the Equal Pay Act of 1963, Title VII of the Civil Rights Act of 1964, Executive Order 11246 of 1965, the Age Discrimination in Employment Act of 1967, Section 501, 503 and 505 of the Rehabilitation Act of 1973; Title I and Title V of the Americans with Disabilities Act of 1990; the Civil Rights Act of 1991, and Title II of the Genetic Information Nondiscrimination Act of 2008. At a minimum, the policy shall be consistent with the broad parameters established herein. A copy of such policy shall be submitted to the System Office.

I. DEFINITIONS

- A. Complaint: Allegations of discrimination, harassment and/or retaliation, filed in good faith and in accordance with established procedures.
- B. Discrimination: Inequitable treatment of an individual based on his or her protected characteristics or status rather than individual merit.
- C. Harassment: Unwelcome conduct directed against a person based on one or more of a person's protected characteristics or status which is so severe or pervasive that it creates an intimidating, hostile or offensive environment.
- D. Protected Characteristics/Status: race, color, gender, religion, sexual orientation, nation origin, disability, genetic information, age, veteran or retirement status.
- E. Retaliation: any adverse action taken against an individual as the result of a complaint of discrimination or harassment or who may have participated in an investigation of discrimination or harassment.

II. PROHIBITED CONDUCT

A. Discrimination

Discrimination in the workplace or learning environment involves taking adverse action against, or preferential treatment of an individual because of his protected status.

Examples include:

- Denying or granting promotions or other advancement opportunities based on an individual's protected status;
- Granting preference in education or employment based on an individual's protected status;
- Assigning grades based on an individual's protected status; Making work assignments based on an individual's protected status;
- Denial of leave based on an individual's protected status.

B. Harassment

Harassment in the working or learning environment consists of unwelcome and objectively offensive physical, verbal, or nonverbal conduct that unreasonably interferes with an individual's work or educational activities and/or which creates an intimidating, hostile or offensive working or learning environment.

Examples include:

- Verbal threats, offensive jokes, epithets, derogatory comments, ridicule or mockery or slurs;
- Gratuitous visual displays such as posters, photographs, cartoons, drawings or gestures;
- Unwanted physical contact such as touching, intimidation or blocking normal movement.

C. Sexual Harassment

Sexual harassment is a form of discrimination that involves 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.

Examples include:

- Making unwanted sexual advances including touching, kissing, hugging, or massaging;
- Making sexual gestures or visual displays such as leering;
- Offering employment or academic benefits in exchange for sexual favors;
- Gratuitous displays of sexually suggestive objects, pictures, cartoons or drawings;
- Sending suggestive or obscene letters, notes or invitations;
- Engaging in graphic sexual commentary about an individual's body.

D. Retaliation

1. Retaliation includes overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against an individual or group exercising rights under this policy.
2. No applicant, employee, student or other individual who complains about a violation of policy or who participates in an investigation of a complaint made pursuant to UL System policies shall be subject to retaliation in any form. Retaliation may exist even when the underlying complaint is without merit.
3. See also UL System PPM M-(12) Preventing and Addressing Retaliation.

III. REPORTING REQUIREMENTS

- A. Any applicant, employee student, or other individual who experiences any conduct that he or she believes may constitute harassment, discrimination, or retaliation has an obligation to report it. No individual is required to report or make a complaint of harassment, discrimination, or retaliation to the person who is engaging in the problematic conduct.
- B. Any individual 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.
- C. Each institutional policy shall establish a defined process which should include the specific steps for addressing informal and formal complaints. Such processes should include a designated EEO Officer for handling complaints, reasonable timeframes for processing the complaint and a written summary of the outcome of the investigation.

IV. INVESTIGATION PROCEDURES

- A. Whenever a report of conduct is received which alleges harassment, discrimination, or retaliation, the designated EEO officer shall conduct a prompt investigation to gather available facts and to determine whether or not prohibited conduct has occurred.

- B. If an investigation confirms either that harassment, discrimination, or retaliation has occurred or that conduct in violation of this policy has occurred, immediate and appropriate action to stop any such conduct and reasonable steps to prevent any further harassment, discrimination, or retaliation shall be taken.
- C. To the fullest extent practicable and consistent with a thorough investigation, all complaints will be kept confidential.

V. SANCTIONS

Anyone who violates this workforce discrimination policy is subject to disciplinary action. Following an appropriate investigation and subject to the procedures which are part of the policies governing the relevant type of appointment at the University, the faculty, staff, student, or other individual may be subject to sanctions, including reprimand, probation, suspension, demotion, reassignment, termination, and expulsion.

Policy References:

U.S. Equal Employment Opportunity Commission

Review Process:

System Office Staff

Presidents

Vice Presidents for Business and Finance

Legal Counsel

Distribution:

University Presidents

Vice Presidents for Business and Finance