

POLICY & PROCEDURES MEMORANDUM

TITLE:	SEXUAL HARASSMENT
EFFECTIVE DATE:	March 3, 1998 <i>(*Title Updates 6/7/12, 2/24/05)</i>
CANCELLATION:	DCI 1732 (10/5/90)
CATEGORY:	Administrative (AD) <i>Initially Distributed as PR-1732.1</i>

POLICY STATEMENT

The College is committed to having a positive learning and working environment for its students and employees and does not tolerate sexual harassment of its members. Sexual harassment is a form of discrimination that is illegal under Title VII of the Civil Rights Act of 1964 and Title IX of the Elementary/Secondary Education Act of 1972.

Sexual harassment is demeaning and degrading; it affects an individual's self-esteem and can have a negative impact on performance at work or in class. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing; or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

It is the policy of Delgado Community College that no member of the College community may sexually harass another. This includes sexual harassment of an employee by another employee, of a student by an employee, of an employee by a student, and of a student by another student. Visitors to the campus are also covered by this policy should the alleged incident occur on College property. Additionally, the College does not tolerate harassment of its students or employees at campus-sponsored events or programs held at off-campus locations or by non-institutional personnel in programs sponsored or supported by the institution. Through the procedures established by the College and outlined in this memorandum, employees and students who believe they have been subject to sexual harassment can have their complaints handled promptly and receive due process for the filing of grievances.

PROCEDURES & SPECIFIC INFORMATION

1. **Purpose**

To publish the College's policy and procedures on the prompt handling of complaints and grievances related to sexual harassment.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all students, prospective students, employees, guests or affiliates of, or visitors to, the College. For classified staff, the policies set forth in this memorandum are followed in accordance with Civil Service regulation.

3. **Definitions**

A. **Sexual Harassment**

As defined by the Equal Employment Opportunity Commission, "sexual harassment" is:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or academic advancement; (2) submission to or rejection of such conduct by an individual is used as the basis for decisions affecting an individual's employment or academic standing; or (3) such conduct has the purpose or effect of unreasonably interfering with a person's work or academic performance or creating an intimidating, hostile or offensive work, learning or social environment.

B. **Complainant**

"Complainant" is defined as the person referred to during the informal process who has alleged that he/she is a victim of sexual harassment.

C. **Respondent**

"Respondent" is defined as the person whom the complainant alleges is guilty of sexual harassment.

D. **Confidential Advisor**

"Confidential Advisor" is defined as a college employee who is trained in handling sexual harassment complaints.

4. **General Provisions**

- A. A complaint of sexual harassment should be presented as promptly as possible after the alleged harassment occurs, but not later than six (6) months after the alleged occurrence. There may be exceptions to this statute of limitation as determined by current equal employment opportunity regulation.
- B. Any individual (an employee, student, prospective student, guest, or visitor) who believes that sexual harassment has taken place may seek resolution by pursuing an informal process or requesting a formal College hearing. A complainant may file multiple complaints against the same respondent.
- C. The principal of confidentiality is observed in each case provided doing so does not interfere with the institution's ability to investigate or take corrective action.
- D. False charges are treated as serious offenses. Civil action may follow false or frivolous complaints and grievances.
- E. The fact that someone did not intend to sexually harass an individual is no defense to a complaint of sexual harassment. Regardless of intent, it is the effect and characteristics of the behavior that determine whether the behavior constitutes sexual harassment.
- F. Retaliation against anyone reporting or thought to have reported sexual harassment behaviors or who is a witness or otherwise involved in a sexual harassment proceeding is prohibited. Such retaliation is considered a serious violation of the policy and will be prosecuted independently of the charge or complaint of sexual harassment. Encouraging others to retaliate also violates this policy.
- G. [Consensual relationships](#) among students, faculty and staff where there is a benefit, service or evaluation, between the parties involved, are neither banned nor accepted but are strongly discouraged. Such relationships may be problematic in that they make objective evaluation and decision making difficult.
- H. While the College encourages complainants to informally handle complaints of sexual harassment, informal procedures are optional and complainants can choose to bypass them, discontinue them or request a formal hearing while using them. The purpose of dealing with a complaint informally is to investigate the alleged offending behavior and to resolve the matter as expeditiously as possible.

- I. If the final decision may result in termination, separation, revocation of tenure, or expulsion, the individuals involved in the investigation and/or hearing must be especially careful to respect the due process rights of all parties involved.

5. **Procedures**

- A. Each campus has [Confidential Advisors](#) who are trained in handling complaints of sexual harassment. Generally, each campus has at least two (2) Confidential Advisors. The names of the Confidential Advisors are available in the campus or site Executive Dean's Offices, the Student Government Association (SGA) Offices, and the Division Offices.
- B. Should a faculty or staff member, other than a Confidential Advisor, be approached by a member of the College community with a complaint of sexual harassment, it is important for him/her to encourage the complainant to go to a Confidential Advisor with the complaint. It is further recommended that the faculty or staff member escort the complainant to meet with any one of the College's Confidential Advisors with whom the complainant would feel comfortable discussing the complaint.
- C. A complainant willing to meet with a Confidential Advisor is assured of the seriousness with which the College takes such complaints. Options for resolution are explored including the possibility of a conference between the two involved parties and the Confidential Advisor. Depending on the facts of the incident, the Confidential Advisor may provide assistance to the complainant on ways to cope with the alleged behavior personally. The Confidential Advisor explains the informal complaint process; the advisability of a written statement outlining the complaint and proposed action to resolve the complaint, with any collaborating documentation attached; the legal ramifications of false accusations; the College's commitment to preventing retaliation to the extent possible; and the limits on maintaining confidentiality.
- D. The Confidential Advisor notifies the College Equal Access Equal Opportunity (EAO) Officer of the complaint and assists the College EAO Officer in investigating/resolving the complaint.
- E. When parties attempt an informal resolution, a satisfactory agreement between the parties may be reached and no further action is required. The mutually agreed-upon resolution may consist of a warning to the respondent and an agreement by him/her to cease the alleged offensive conduct, an apology to the complainant, a letter of reprimand to the respondent (to be filed in the employee's personnel file), a behavioral contract (to be filed in the student's discipline file) or other, similar solutions.

- F. If the complainant chooses to file a formal grievance, he/she may do so using the appropriate College grievance process. (For information on these processes see the Policy and Procedures Memorandum on [Student Grievance Procedures](#), the Policy and Procedures Memorandum on [Grievance Procedures for Teaching Faculty, Librarians, and Academic Counselors with Faculty Rank](#), the Policy and Procedures Memorandum on [Grievance Procedures for Unclassified Administrators and Staff](#), and the Policy and Procedures Memorandum on [Grievance Procedures for Employees in the Classified Service](#).) Files of such cases are maintained by the College EAEO Officer.

6. **Cancellation**

This policy and procedures memorandum cancels DCI 1732, *Discrimination, Sexual Harassment and Human Relations Policy*, dated October 5, 1990.

Policy Reference:

Title VII of the Civil Rights Act of 1964 (as amended)

Title IX of the Education Amendments of 1972

Louisiana Community and Technical College System [Policy #6.011 Harassment Policy](#)

Louisiana Community and Technical College system [Policy #6.008 Consensual Relationships](#)

Delgado Policy and Procedures Memorandum, [Student Grievance Procedures](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Teaching Faculty, Librarians, and Academic Counselors with Faculty Rank](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Unclassified Administrators and Staff](#)

Delgado Policy and Procedures Memorandum, [Grievance Procedures for Employees in the Classified Service](#)

Review Process:

Executive Council 3/3/98

Distribution:

Distributed Electronically via the College's Intranet