



## **PART 2: NEW HIRE PACKET IMPORTANT INFORMATION**

# Delgado

COMMUNITY COLLEGE

## NEW EMPLOYEE QUICK-START GUIDE

### Email Access

Once processed into the Delgado Payroll System, employees may obtain a Delgado email address on an as needed basis for their job. Information on Delgado Email is available on [Delgado Email: Getting Started](#). The employee's supervisor must first submit an [OIT Help Desk ticket](#) requesting that an email account be created.

### LOLA Access

[LOLA Self-Service](#) is how employees enter time each pay period. From the Delgado homepage, select LOLA. Once on the LOLA home screen, click "Don't know your username." Follow the prompts to establish a username. Employees will need to have their Social Security Number and birthdate information available. A user password can be retrieved the same way, by first selecting "Don't know your password." Each employee's supervisor will explain the details for time entry through the web. For more information, see the web time entry tutorials available in [LOLA Self-Service](#) on the Training Tab. Choose "Human Resources" in the dropdown to access the web time entry tutorials.

### First Pay Check

Biweekly employees are required to participate in direct deposit of net pay to their financial institution unless certain conditions exist to exempt the employee from this requirement. *However, the first paycheck is mailed to the employee's permanent mailing address on file.*

### W-2

All new full-time employees have the electronic W-2 feature activated in their [LOLA Self-Service](#) with the option to opt out through LOLA. W-2s for part-time employees are mailed to their permanent mailing addresses on file.

### ID Card

Within a week of starting employment, new employees should be able to pick up an employee ID badge at the ID Center, located in Building 1B (Room 127W) on the City Park Campus. It is suggested that employees call in advance to verify if the ID Center has received all data necessary to create the ID badge. The center may be reached at (504) 671-5461; more information is available on the [Delgado ID Card](#) webpage. Should an employee need keyed access to certain parts of a building, a [Key Control Form](#) must also be completed and submitted by the employee's supervisor in advance. The form is located under "[Forms](#)" on the Delgado Faculty & Staff website.

### Parking Permit

Parking Permits may be obtained on an annual basis through the [College's Online Parking Portal](#). See [Parking Regulations](#) for more information.

### Link to Delgado Policies

[Delgado Policies](#) and the [Delgado Employee Handbook](#) are accessible on the College's website.

### Link to LCTCS Policies and LA State Civil Service Rules

Other policies related to employment within the LCTCS System are available at [LCTCS Policies](#). For more information about State Civil Service (for Classified Employees only), please visit [Civil Service Rules](#).

# Banner Pay Calendar Year 2025

January 2025 – December 2025

<b>January</b> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> <div>29</div> <div>30</div> <div>31</div> </div>	<b>February</b> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> </div>	<b>March</b> <div> <div>1</div> <div>2</div> <div>3</div> <div>4</div> <div>5</div> <div>6</div> <div>7</div> <div>8</div> <div>9</div> <div>10</div> <div>11</div> <div>12</div> <div>13</div> <div>14</div> <div>15</div> <div>16</div> <div>17</div> <div>18</div> <div>19</div> <div>20</div> <div>21</div> <div>22</div> <div>23</div> <div>24</div> <div>25</div> <div>26</div> <div>27</div> <div>28</div> <div>29</div> <div>30</div> <div>31</div> </div>
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Maximum of 14 Holiday for all LCTCS Colleges

See [Delgado 2024 Holiday Calendar](#)

LCTCS System Office Holidays:  
**Shaded**

Pay Days: **Bold**

Pay Checks free of Semi-Monthly Deductions:  
**Diagonal Line /**

Pay Period End Dates: **Boxes**

\*9ME 20 Deduct Free 08/25/2025\*\*

**DELGADO COMMUNITY COLLEGE  
2025 HOLIDAY SCHEDULE**

Please be advised that each institution of higher education designates fourteen (14) legal holidays per calendar year to be observed by all its employees. *Holidays declared by the Governor or named in Civil Service Rules do not apply to Delgado employees.* The dates below for the calendar year 2025 reflect the holidays on which the College is closed.

<b>January 1, 2025</b>	<b>New Year's Day</b>	<b>Wednesday</b>
<b>January 20, 2025</b>	<b>Martin Luther King Jr.</b>	<b>Monday</b>
<b>March 3, 2025</b>	<b>Mardi Gras Holiday</b>	<b>Monday</b>
<b>March 4, 2025</b>	<b>Mardi Gras Holiday</b>	<b>Tuesday</b>
<b>April 18, 2025</b>	<b>Spring Holiday</b>	<b>Friday</b>
<b>September 1, 2025</b>	<b>Labor Day</b>	<b>Monday</b>
<b>November 27, 2025</b>	<b>Thanksgiving</b>	<b>Thursday</b>
<b>November 28, 2025</b>	<b>Thanksgiving</b>	<b>Friday</b>
<b>December 24, 2025</b>	<b>Winter Holiday</b>	<b>Wednesday</b>
<b>December 25, 2025</b>	<b>Winter Holiday</b>	<b>Thursday</b>
<b>December 26, 2025</b>	<b>Winter Holiday</b>	<b>Friday</b>
<b>December 29, 2025</b>	<b>Winter Holiday</b>	<b>Monday</b>
<b>December 30, 2025</b>	<b>Winter Holiday</b>	<b>Tuesday</b>
<b>December 31, 2025</b>	<b>Winter Holiday</b>	<b>Wednesday</b>

For the calendar year 2025, the College has established Limited Staffing Days for the following: Thursday, January 2; Wednesday, March 5; Monday, May 26; Monday, December 22; and Tuesday, December 23.

*Academic and Student Affairs Council 3/16/2023  
Business & Administrative Affairs Council, Human Resources 3/31/2023  
College Council 4/26/2023*



# CITY PARK CAMPUS



Delgado Community College	
1	Isaac Delgado Hall
1A	Fitness Center
1B	Campus Police
2	Student Services
3	Bookstore
4	Weiss Rehabilitation Center
5	Joey Georgusis Center for Children
6	H. Giles Martin Hall
7	Thames Hall / Library
8	Classroom Building
9	Workforce Development
10	Francis E. Cook Building
11	Michael L. Williamson Center
12	Central Utilities
22	Technology Building/Post Office
23	Student Life Center
37	O'Keefe Administration Building
38	Harry J. Batt, Sr.
39A	Bernard J Bagert, Sr.
39B	Charles D. Lancaster, Sr. Machine Shop Lab
40	Automotive Technology Lab
41	Adam R. Haydel Sr., Automotive Lab
42	Housekeeping/Central Receiving/Property Control
43	Maintenance



# WEST BANK

CAMPUS



## Delgado Community College

- 1 Classroom and Office Building
- 2 Math and Library
- 3 LaRocca Hall
- 4 Classroom Building
- 5 Student Life Center
- 6 Advanced Technology Center (under construction)



## PARKING/DRIVING FEES

### Permit/Decal Fees

#### ***Employee Decals:***

<b>First Two Vehicles</b>	<b>No fee</b>
Additional Vehicles	\$20 each subsequent vehicle

#### ***Credit Student Decals:***

Semester/Session Permit	No fee – Covered by <a href="#">Access Fee</a> *
	\$10 Second Vehicle (only one allowed)

#### ***Temporary Single Semester/Session Parking Permits:***

Dual- and Cross-Enrollment Students*	\$30
(*These students are <i>not</i> assessed the <a href="#">Access Fee</a> .)	
Non-Credit Student, Adult Education Student, or Fitness Center Community Parking Permits	\$15

***All Other Temporary Permits and Visitor Parking Passes*** No fee

#### ***Replacement Decals:***

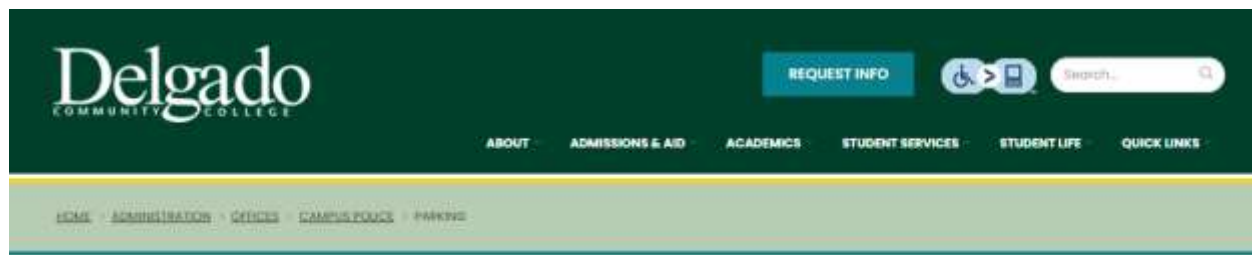
No fee for change of ownership, loss of vehicle or destruction of rear windshield due to accident. *Documentation required for replacement decal.*

### Fines for Parking/Traffic Violations

\$40.00	Running Stop Sign
\$80.00	Parked in Handicapped Space
\$80.00	Parked in Visitor Space
\$35.00	Vehicle Not Displaying Valid Decal/Permit (Not Registered)
\$35.00	Parking in “No Parking” Zone
\$25.00	Student Vehicle in Faculty/Staff Area/Zone
\$25.00	Parked in Wrong Zone
\$35.00	Parked in Unauthorized Area (Lawn/Sidewalk, etc.)
\$35.00	Blocking Other Vehicles
\$35.00	Parked in Reserved Space
\$80.00	Parked in Fire Zone
\$55.00	Parked in Roadway
\$80.00	Failure to Obey Delgado Police Officer
\$40.00	Parked in two Parking Spaces
\$15.00	Other Violations (will be identified on Traffic Citation)
\$10.00	An additional \$10 fee may be added for repeat violations.

*Effective Beginning Fall 2019*

To Register a Vehicle go to: <http://www.dcc.edu/administration/offices/police/parking/default.aspx>



- [Parking Regulations](#)

- [Parking Fees](#)

## Parking

Everyone who parks on campus, including visitors, must register each vehicle online through the [Delgado Online Parking Portal](#) (or [Visitor's Portal](#)). All vehicles parked on any Delgado campus/site at any time must be properly registered and display a valid parking decal/permit.

The Delgado Community College Parking Portal allows students, faculty, staff, and visitors to:

- Register a vehicle with Delgado Campus Police
- Request a Vehicle Decal/Permit
- View Parking Citation History
- Appeal Citations and view the status

Parking decals can be picked up at the Bursar's Office. Temporary and/or Visitor Permits are issued on a short-term basis and must be approved by Campus Police.

## Delgado Online Parking Portal

- [Student/Faculty and Staff](#)
- [Visitors](#)

## Important Links

- [Parking Regulations](#)
- [Parking Policy](#)
- [Parking/Driving Fees](#)





## Employee Safety Rules and Responsibilities

All Delgado employees must take an active role to ensure their safety as well as the safety of others around them. The following is a list of key employee safety responsibilities and rules that must be used as a guide as employees move about throughout the workplace.

1. Immediately report any recognized potentially unsafe conditions, accidents/incidents, and property damages to your supervisor.
  - a. Accidents/Incidents are to be reported immediately to Campus Police as per the College's [Accident/Incident Reporting Route](#). First aid should be administered by trained professionals only.
  - b. Non-emergency unsafe conditions are to be entered into the [Delgado Maintenance Work Order System](#).
  - c. Emergency unsafe conditions and property damage must be *immediately* reported to the Delgado Safety and Risk Manager.
2. Follow all safety procedures defined by your job. Please consult your supervisor if in doubt about these safety procedures or if any impairment, permanent or temporary, that may reduce your ability to perform your duties.
3. Use personal protective equipment to protect yourself from equipment or dangerous tasks. Do not operate moving machinery with loose clothing, jewelry, or anything that can be snagged. Do not remove any safety guards from equipment without permission from manufacturer.
4. Do not operate machinery if you have not been trained and/or authorized to do so. This includes but is not limited to forklifts, golf carts, and state vehicles.
5. Maintain a neat environment. Store tools and equipment in a designated place as to not block walkways or create an unsafe condition. Place trash in its proper receptacle. Inspect tools and equipment before each use to ensure they are safe. Unsafe tools and equipment must be reported and replaced immediately.
6. Chemicals must be handled and stored as per its safety data sheet. Hazardous waste removal orders must be sent to the Delgado Safety and Risk Manager.
7. Theft or abuse of College property will not be tolerated.
8. Narcotics, illegal drugs, or unauthorized medically prescribed drugs shall not be used on campus. Employees taking medications containing narcotics must inform Human Resources before starting work so that a determination can be made if they must be allowed to work.
9. Smoking and vaping are not permitted on any Delgado property.
10. Fighting, horseplay, and practical jokes will not be tolerated in the workplace or classroom.
11. Except for police officers, weapons or firearms of any type will not be allowed on any Delgado facility.
12. Report any smoke, fire, or unusual odors to your supervisor immediately.
13. Always get a good night's rest. It is important that employees come to work rested and ready for work.
14. Maintain a good safety attitude. This is critical to the overall safety culture at Delgado Community College.
15. Be alert at all times and pay attention to what is going on at all times. Do not become complacent.
16. Do not hurry or take shortcuts. Employees are six times more likely to experience an accident or injury as a result of unsafe behaviors, such as taking shortcuts.
17. Follow all college Safety Policies and Rules. These are developed to protect the safety of each employee. Failure to follow safety rules may put an employee's safety at risk and other employees as well.

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Employee's Name (Print)

Signature

Date

Updated 1/2023

## **POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>COMPREHENSIVE SAFETY PROGRAM</b>
<b>EFFECTIVE DATE:</b>	<b>October 28, 2024*</b> <i>(*Procedural Update 10/28/24; Title Updates 10/3/11; Original 12/10/08)</i>
<b>CANCELLATION:</b>	SF-1370.2 (10/3/11) SF-1373.1C (10/3/11)
<b>OFFICE:</b>	Safety (SF)

### **POLICY STATEMENT**

Delgado Community College is committed to providing a safe environment for students, employees, visitors, and persons using College facilities. A comprehensive safety program has been established to address the various threats to the safety of the College's constituents.

The College works in cooperation with appropriate federal, state and external agencies – in particular the State of Louisiana Office of Risk Management, which is responsible for coordination, implementation and maintenance of safety and loss prevention programs within all State agencies. Furthermore, Delgado strives for adherence to and compliance with all safety-related laws and regulations.

The components of and specific responsibilities for the administration of the College's comprehensive safety program are outlined further in this memorandum.

### **PROCEDURES & SPECIFIC INFORMATION**

**1. Purpose**

To publish the College's comprehensive safety program.

**2. Scope and Applicability**

This policy and procedures memorandum applies to all operating units and employees of Delgado Community College.

### 3. **Comprehensive Program: A College-wide Structure**

Delgado's commitment to a college-wide safety program is demonstrated by the adherence to a comprehensive structure for administering the program. This structure begins with the Chancellor designating a Safety and Risk Manager, who coordinates all components of the program. The College Safety and Risk Manager chairs a college-wide [Safety Council](#), composed of appropriate college-wide and campus/site specific representatives involved in the safety program and deemed by the Chancellor. The function of the [Safety Council](#) is to address all components of the college-wide safety program and make policy and procedural recommendations for improvements on an ongoing basis.

### 4. **Campus/Site Implementation**

The safety program's College-wide structure is extended to and managed across all campuses and sites by each Campus Executive Dean/ Site Administrator, who works with the College Safety and Risk Manager and various Department Heads, Supervisors, and other Delgado leaders, and oversees a comprehensive safety program on their respective campus or site.

To accomplish this, each year a Campus/Site Safety Committee is established to ensure input on safety and loss prevention from all campuses and sites and operational units of the College.

### 5. **Responsibilities**

The specific responsibilities for the administration of the College's comprehensive safety program are as follows:

#### A. **College Chancellor**

- (1) Assures that accountability for work environment safety is established at all operational levels.
- (2) Designates the College's Safety and Risk Manager to coordinate the College's comprehensive safety program.

#### B. **College Safety and Risk Manager**

- (1) Serves as the College's designated safety liaison and Risk Management Officer with the Louisiana Office of Risk Management (ORM).
- (2) Coordinates a comprehensive safety program for the College that:
  - a. Provides for regular and periodic facility and equipment inspections;

- b. Ensures all accidents at the College are investigated and reported to proper authorities;
  - c. Initiates action, when required, to correct the problem(s) that caused the accident;
  - d. Ensures training programs are provided on work environment safety for supervisors, employees, and students;
  - e. Promotes increased work environment safety awareness by employees and students; and
  - f. Ensures work environment safety programs are in place for each campus/site of the College.
- (3) Works with responsible units to ensure the safety program's components are in place.
  - (4) Coordinates college-wide Safety Council meetings and campus/site-specific safety meetings, and maintain documentation of these meetings.
  - (5) Coordinates with responsible units to ensure required employee training is provided to all employees on a month/quarterly basis, as deemed necessary by the Louisiana Office of Risk Management.
  - (6) Ensures safety inspections of all buildings on all campuses are conducted and documented each quarter.
  - (7) Coordinates the College's and campus/site emergency preparedness plans, as well as response initiatives as directed by the Vice Chancellor for Business and Administrative Affairs.
  - (8) Works with responsible units to coordinate responses to ORM interim and annual audits.
  - (9) Processes all student, employee, and visitor accident reports and claims for reimbursement of expenses and forwards any related litigation to the appropriate agencies (see [Accident/Incident Reporting Route](#)).
  - (10) Processes, submits, tracks and follows up on liability claims to ORM, including but not limited to vehicular accidents, accidents involving students, employees, and visitors, and damage to College and third-party property.
  - (11) Maintains statistical data on reimbursement claims for expenses.
  - (12) Prepares and submits quarterly exposure reports, property reports, and all required reports to ORM as required by state laws and regulations.
  - (13) Obtains Certificates of Insurance as needed, and requests opinions/advisements from ORM when deemed necessary.
  - (14) Assist with internal, administrative investigations as requested by the Chancellor.
  - (15) Provides guidance and recommend internal controls to College departments to ensure compliance with federal and state laws and regulations, and System and College policy as directed by the Vice Chancellor for Business and Administrative Affairs.
  - (16) Works with the Policy Office to review and revise safety and risk management-related policies.



**C. Safety Council**

The college-wide Safety Council, chaired by the College Safety and Risk Manager, is composed of appropriate college-wide and campus/site specific representatives involved in the safety program and deemed appropriate by the Chancellor. The function of the Safety Council is to address all components of the college-wide safety program and make policy and procedural recommendations for improvements on an ongoing basis.

**D. Campus Executive Dean/ Site Administrator or Designee**

- (1) Works with the College Safety and Risk Manager to oversee a comprehensive safety program on their respective campus or site.
- (2) Serves as the Campus/Site Safety Program Coordinator.
- (3) Chairs their respective Campus/Site Safety Committee to ensure input on safety and loss prevention.
- (4) Includes safety issues on the agenda of appropriate Campus/Site Committee or Safety Council meetings, as needed.
- (3) Makes policy, procedures and operational recommendations to the College's Safety Council, as needed.

**E. Campus/Site Safety Committee**

Each year a Campus/Site Safety Committee is established for each campus and site to ensure input on safety and loss prevention from all operational units of the College. These committees are chaired by the respective Campus Executive Dean/ Site Administrator or designee. Committee membership includes academic deans or their designees, as deemed appropriate by the Executive Dean/ Site Administrator; representatives from Campus Police, Maintenance, and Central Utilities, if applicable; the campus/site SGA President(s), if applicable; and others recommended by the Campus Executive Dean/ Site Administrator.

**F. Director of Maintenance**

- (1) Makes periodic inspections of facilities at all campuses and sites.
- (2) Informs the College Safety and Risk Manager of any potential safety hazards.

**G. Health Services Coordinator**

- (1) Administers first aid to accident victims and arrange for medical care, if required.
- (2) Completes medical reports on job-related incidents involving students and visitors, and submits these reports to the Safety and Risk Manager.
- (3) Conducts inspections of AEDs

- (4) Stays up to date on health emergency and public health information

#### H. **Campus Police Chief**

- (1) Provides and documents training for Driver's Safety Program.
- (2) Obtains and reviews Official Driver Records for drivers requesting authorization.
- (3) Submits list of authorized drivers to Controller's Office.
- (4) Maintains key control and building/facility access.
- (5) Coordinates the violence in the workplace training program in conjunction with Human Resources to ensure that training is in line with ORM requirements.
- (6) Ensures Police Reports are completed following response to accidents/incidents on College facilities and submit reports regarding incidents with potential liability to College's Safety and Risk Manager.
- (7) Conducts fire drills in fall and spring semesters.
- (8) Works with Safety and Risk Manager to provide response to the interim and annual audits by the Office of Risk Management relevant to responsible duties listed above.

#### I. **Assistance Vice Chancellor of Facilities and Planning (in conjunction with Maintenance Department and College Safety and Risk Manager):**

- (1) Provides expertise in fire alarm system.
- (2) Maintains documentation of hazardous materials on campus.
- (5) Arranges for proper disposal of biological and other hazardous waste.
- (6) Represents the College with the Department of Environmental Quality when necessary.
- (7) Serves, with external contracted assistance as needed, as environmental consultant for College.
- (8) Addresses environmental facility concerns of faculty and staff (i.e., respond to questions on mold, suspicious odors, spills, and unknown substances.)
- (9) Works with the College Safety and Risk Manager to provide response to the interim and annual audits by the Office of Risk Management relevant to responsible duties listed above.

#### J. **Chief Human Resources Officer**

- (1) Oversees the administration of the College's [Employee Drug and Alcohol Testing program](#) and employee testing when required by College policy and when deemed necessary.
- (2) Ensures all Human Resources responsibilities are completed in accordance with the College's [Transitional Return to Work Program](#) policy.

- (3) Ensures sexual/workplace harassment training is in place as required by the State of Louisiana.

**K. Controller's Office:**

- (1) Processes payments for all job-related accident reports.
- (2) Maintains statistical data on workers' compensation claims.

**L. Supervisors/ Department Heads:**

- (1) Assures safety procedures for work and classroom/laboratory areas are established, discussed, and disseminated to all employees under their supervision.
- (2) Investigates workplace and classroom accidents and conduct job safety analyses, if appropriate, to determine cause of the accident and to initiate corrective action.

**M. All Employees:**

- (1) Work in accordance with accepted work environment safety practices.
- (2) Observe work environment safety rules and regulations and report unsafe conditions and practices to proper authorities.
- (3) Ensure workspace, classroom and laboratory work environment safety requirements are strictly followed by students.
- (4) Report all accidents/incidents, injuries and near misses to their Supervisor/ Department Head.
- (5) Complete all required employee safety training.

It is the expectation of the College that all employees perform the above responsibilities. Employees may be subject to disciplinary actions and/or sanctions up to termination for not adhering to work environment safety program requirements.

**6. Components of the Safety Program**

As the safety of College's constituents is affected by various components associated with potential threats, specific components of the College's comprehensive safety program have been identified through associated external regulations. The College is diligent in working toward maintaining full compliance and adherence to all related laws and regulations. Each specific component of the Comprehensive Safety Program follows the structure set forth above in administering each of the respective component programs.

The following includes the components of the comprehensive safety program and respective policy and procedures for full implementation:

**Safety Program**

- [Comprehensive Safety Program Acknowledgement Form](#)  
--[Employee Safety Rules and Responsibilities](#)

**Public Safety**

- [Access Control Procedures](#)
- [Banning Persons from College Property](#)
- [Behavioral Intervention Team Procedures](#)
- [Classroom Disruption Procedures](#)
- [Driver's Safety Program](#)
- [Parking and Driving Regulations](#)
- [Power-Based Violence/ Sexual Misconduct](#)
- [Record Searches for Employment Purposes](#)
- [Violence in the Workplace](#)  
--[Violent Incident Reporting Route](#)
- [Weapons on Campus Policy](#)

**Environmental Safety**

- [Accident/Incident Reporting Route](#)
- [Control of Hazardous Materials](#)
  - [Air Quality and Unknown Substances](#)
  - [Asbestos-Containing Material Program](#)
  - [Lead Exposure Prevention Program](#)
  - [Hazardous Materials Spill/Release Emergency Procedures](#)
- [Glass Claim Incident Reporting Procedure](#)
- [Tobacco-Free College](#)

**Health**

- [Health Services](#)
- [Bloodborne Pathogens: Exposure Control Plan](#)
- [Public Access Defibrillation \(PAD\) Program](#)
- [Drug-Free College](#)
  - [Drug and Alcohol Prevention and Awareness Program](#)
  - [Employee Drug Testing](#)
  - [Responsible Employee Use of Alcohol at College Functions](#)
- [Emergency Care for Injured Allied Health & Nursing Clinical/Practicum Students](#)
- [Science Laboratory Accident/Incident Reporting](#)
- [Science Laboratory Access Control](#)
- [Infectious Diseases](#)
- [Transitional Return to Work Plan](#)



## ***Emergency Preparedness***

- [Emergency Planning, Response and Recovery](#)

### College-wide Emergency Plans:

- [Delgado Active Shooter Response Plan](#)
- [Delgado Assault Emergency Plan](#)
- [Delgado Bloodborne Pathogens: Exposure Control Plan](#)
- [Delgado Bomb Threat Emergency Plan](#)
- [Delgado Chemical or Biological Threat Emergency Plan](#)
- [Delgado College-wide Hurricane Emergency Plan](#)
- [Delgado Demonstration Emergency Plan](#)
- [Delgado Fight/Disturbance Emergency Plan](#)
- [Delgado Fire Emergency Plan](#)
- [Delgado Hazardous Materials Emergency Plan](#)
- [Delgado Hostage Emergency Plan](#)
- [Delgado Intruder Emergency Plan](#)
- [Delgado Medical Emergency Plan](#)
- [Delgado Pandemic/Public Health Emergency Plan](#)
- [Delgado Severe Weather Emergency Plan](#)
- [Delgado Suicide Emergency Plan](#)
- [Delgado Train Derailment Emergency Plan](#)
- [Delgado Weapons Emergency Plan](#)

### College-wide Emergency Procedures:

- [Delgado Checklist for Telephone Threats](#)
- [Delgado Evacuation/Relocation Procedures](#)
- [Delgado General Emergency Procedures](#)
- [Delgado Lockdown Emergency Procedures](#)
- [Delgado Medical Emergency Plan/Procedures](#)
- [Delgado Post-Crisis Intervention Procedures](#)
- [Delgado Shelter-In-Place Emergency Procedures](#)

As new threats against safety develop, additional components are added to ensure the program's comprehensiveness. These additional components will be officially noted above as they are developed and implemented.

## **7. Cancellation**

This policy and procedures memorandum cancels SF-1370.2, *Comprehensive Safety Program*, dated October 3, 2011, and SF-1373.1C, *Work Environment Safety Program*, dated October 3, 2011.

October 28, 2024\*

SF-1370.2

(\*Procedural Update 10/28/24;  
Title Updates 10/3/11; Original 12/10/03)

*Review/ Update Process:*

Ad Hoc Safety/Emergency Program Task Force 10/7/08

Safety Council 10/28/08

College Council 12/10/08

Title Updates – Chancellor’s Approval 10/3/11

Vice Chancellor for Business and Administrative Affairs Procedural Update

Approval – -10/28/24

*Distribution:*

Distributed Electronically Via College's Website

**POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>CONTROL OF HAZARDOUS MATERIALS</b>
<b>EFFECTIVE DATE:</b>	November 6, 2012* (* <i>ORM Procedural Update 10/22/18</i> )
<b>CANCELLATION:</b>	DCI 1373.3 (9/15/86)
<b>CATEOGRY:</b>	Safety (SF)

**POLICY STATEMENT**

Delgado Community College is committed to a continuing and aggressive effort to maintain a safe work environment for employees, students, and persons using College facilities. Control of hazardous material practices have been established to ensure compliance with state and federal regulations and adherence to nationally recognized safety standards.

Delgado is covered by the State of Louisiana Department of Environmental Quality Hazardous Waste Regulations mandated by the Hazardous Waste Control Law, L.R.S. 30:2171, et al. This legislation also serves as the State's response to the federal Resource Conservation and Recovery Act (RCRA); the rules and regulations of the legislation apply to owners or operators of all facilities that generate, transport, treat, and store or dispose of hazardous waste. The College maintains a close liaison with the State of Louisiana Office of Risk Management in developing and implementing its Control of Hazardous Materials program.

All employees responsible for hazardous materials at the College are required to rigorously enforce safety regulations governing the handling, storage, and disposal of the materials. Department heads and supervisors are responsible for maintaining up-to-date inventories of all hazardous materials in their respective units. The College's designated Risk and Safety Manager maintains up-to-date inventories of hazardous material at all College locations and ensures periodic inspections are conducted to maintain compliance with safety regulations for these hazardous materials.

**PROCEDURES & SPECIFIC INFORMATION****1. Purpose**

To establish a program for controlling all hazardous materials used by or housed in any operating unit of Delgado Community College.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all College operating units and to all employees, students and visitors of the Delgado Community College.

3. **Definitions**

As used in this instruction, the following definitions apply.

***Chemical*** - any element, chemical compound, or mixture of elements and/or compounds.

***Container*** - any bag, barrel, bottle, box, can cylinder, drum, storage tank, or the like that contains a hazardous material.

***Distributor*** - the company that supplies hazardous chemicals to the College.

***Explosive*** - a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

***Facility*** - the physical premises at which hazardous materials are used or stored.

***Hazardous Material*** - Any biological agent, disease-causing or other agent which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any person...will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions...or physiological deformations in such persons or their offspring (OSHA 1910 Standards).

***Label*** - any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

***Identity*** - any chemical or common name which is indicated on the material safety data sheet (SDS) for the chemical. The identity permits cross-referencing among the required list of hazardous chemicals, the label, and the SDS.

***Safety Data Sheet (SDS)*** - written or printed material concerning a hazardous material. An SDS must be prepared in a manner that provides basic chemical identity, health, safety, and emergency response information, and is usually prepared in accordance with the OSHA Hazard Communication Standard or the U.S. Coast Guard Chemical Hazard Response Information System (CHRIS). [Delgado Safety Data Sheets](#) are published on the [Office of Safety and Risk Management](#) webpage.



4. **Background**

Delgado's hazardous material program is a component of the College's [Comprehensive Safety Program](#). It is designed to achieve closer control over all hazardous materials used and stored on Delgado facilities. The objective of the hazardous material inventory is to accumulate information on all hazardous materials on campus and to ensure proper safety regulations and SDS information are available to all employees and students using them.

5. **Hazardous Material Survey Reporting**

A. **Categories of Hazardous Material**

For reporting purposes, hazardous material will be classified according to the following two categories.

- (1) Hazardous material on hand but no longer used or needed; or
- (2) Hazardous material needed for instructional purposes, custodial or general operational needs.

If an operating unit has hazardous substances that fall under both categories, two Hazardous Materials Survey Reports will be submitted annually to the College's Risk and Safety Manager—one for each category.

B. **Report of Hazardous Material**

All hazardous material, regardless of amount, type, use, or age, must be inventoried and reported on the [Hazardous Material Survey Form, Form 1373/001](#) (Attachment A). The supervisor of each operating unit will make an exhaustive search of his/her area to ensure all hazardous materials are reported. If any unidentified substance or material is discovered during this inventory, the supervisor will contact the Risk and Safety Manager for assistance in identifying the material and for handling and disposition instructions.

C. **Timetable for Submitting Reports**

Supervisors will submit the initial inventory of hazardous material to the Risk and Safety Manager the first week in November of each year. Additions, deletions, and changes to this list will be made as they occur.

The following information will be furnished for each hazardous material:

- (1) **Identity of the Hazardous Material** (See definition of "Identity" above.)
- (2) **Usage/Disposition**  
Explain operation or instructional lab that requires use of the hazardous material. If chemical is no longer required, use this column to explain what disposition is being made of the chemical.

- (3) **Container/Storage Location** (See definition of “Container” above.)  
Indicate where stored—building, room number, exact location; i.e., cabinet, shelf, etc.
- (4) **Inventory Range**  
Indicate greatest amount and lowest level of material stored.
- (5) **Distributor**  
Provide name and address of company supplying the material to the College.
- (6) **SDS Location** (See definition of “SDS” above.)  
Indicate where SDS Sheets are kept. They must be readily available to personnel using material. If SDS information is not available, the personnel using the material must contact Delgado’s Risk and Safety Manager.

## 6. **Training**

Campus/site-specific hazardous materials training is presented annually by Department Heads/Supervisors to affected employees, or when changes in operations warrant. All faculty, staff and students who may come into contact with hazardous chemicals **must** be trained in safe handling procedures, health and safety hazards, labeling, SDS, and personal protective equipment.

### A. **Contents of Training**

Employees **must** be trained on and informed of:

- (1) Requirements of the OSHA Hazard Communication Standard;
- (2) Any operations in the work area where hazardous substances are present;
- (3) Methods that may be used to detect the presence of a chemical or material by visual appearance, odor, and irritation (skin, headaches, coughing);
- (4) Location and availability of the written campus/site-specific hazardous materials training resources including lists of hazardous substances and SDS information;
- (5) Methods and observations that may be used to detect the presence or release of a hazardous substance in the work area;
- (6) Physical and health hazards of the substances in the work area, and the measures employees can take to protect themselves from these hazards (i.e. appropriate work practices, emergency procedures and personal protective equipment, work practices, respiratory equipment, eye protection, other personal protective equipment, special training, etc.);

- (7) Measures used to protect the employee (engineering design, barriers, ventilation, operating procedures, special training, etc.);
- (8) Details of the College's Control of Hazardous Materials policy;
- (9) The right to personally receive information regarding hazardous substances to which they may be exposed.

**B. Frequency of Training**

Employees **must** be trained on hazardous substances in their work area:

- (1) Upon initial assignment and annually from then on; and
- (2) Whenever a new hazard is introduced into the work area.

**C. Recordkeeping of Training**

Training records **must** be maintained by the Supervisor for at least one year.

**7. Personal Protective Equipment (PPE)**

This section applies to employees, students, or visitors on campus determined to be in need of personal protective equipment by virtue of their exposure to hazards in the working, teaching, or research environment.

**A. Selection**

The selection of appropriate protective gear is based on the hazards anticipated or recognized. Complete protection calls for assembling a set of gear including respirator, hardhat, safety glasses or faceshield (preferably both), body covering (coveralls, pants and jacket), gloves and safety boots/shoes (steel toe and shank). Omitting one item may compromise the individual's safety.

Some pieces of protective equipment, such as hardhats and boots, have specific standards for manufacture and only those items meeting these standards should be used. However, there are no such standards for chemical protective clothing. Selections must be based upon judgment.

In selecting the protective material, the following should be considered:

***Chemical Resistance*** - when clothing contacts a hazardous material, it must maintain its structural integrity and protective qualities.

***Strength*** - which is based on resistance to tears, punctures, and abrasions, as well as tensile strength.

***Flexibility*** - clothing easy to move in and work in. Flexibility is especially important in glove materials.

***Thermal limits*** affect the ability of clothing to maintain its protective capacity in temperature extremes. Thermal limits also affect mobility in cold weather and transfer of heat to the wearer in hot weather.

***Cleanability*** - difficult and expensive if protective clothing is not cleanable. Some materials are nearly impossible to clean adequately under any circumstances. Disposable clothing is sometimes used.

***Lifespan*** - which is the ability to resist aging, especially in severe conditions over time. This should be balanced against the initial cost of the garment.

## B. **Benefits and Limitations**

It is widely recognized that the risk of exposure should be addressed through administrative and engineering controls, work practices and training. It is equally recognized that these controls may not prove to be adequate in situations where the risk could not be completely minimized, or in the event of an unplanned exposure. Therefore, the use of personal protective equipment (PPE) becomes the last line of defense against exposure.

The **benefits** gained by wearing PPE are:

- possible prevention of exposure,
- potentially minimizing the risk should an exposure occur, and
- compliments to existing controls that enhance personal protection.

The **limitations** associated with PPE are:

- PPE only protects the individual wearing it, not anyone else in the workplace;
- The discrepancy between theoretical and actual levels of protection provided exists (the latter is difficult to assess);
- PPE is only effective if correctly selected, fitted, used, and cared for, and the individual is trained; and
- The choice of PPE may compromise mobility, visibility, communication, etc.

When considering the appropriate type of PPE, it is important to identify and assess all the types of risk one will be exposed to, what risks can be mitigated through other control mechanism, and any detrimental impact associated with the selection of the PPE.



**C. Donning/Removing PPE**

When *donning* equipment, user must:

1. Identify hazardous, manage risk and gather necessary PPE;
2. Plan where to don equipment; and
3. Determine if other personnel or a mirror is available to ensure no areas are exposed.

When *removing* equipment, user must:

1. Avoid contamination of self, others and the environment;
2. If wearing gloves and gown, peel off gown and gloves and roll inside out for disposal;
3. Perform hand hygiene;
4. If wearing face shield, mask, or goggles, remove from behind; and
5. Perform hand hygiene.

**D. PPE Inspection**

Pertaining to Coats, Pants, Helmets, Gloves, Hoods, Footwear, the following inspection categories apply as applicable:

- Evaluation of fit
- Soiling
- Contamination from hazardous materials or biological agents
- Rips, tears and cuts
- Damaged or missing hardware
- Thermal damage such as charring, burn holes, or melting in any layer
- Damaged or missing reflective trim
- Moisture barrier integrity- Rips, discoloration, thermal damage
- Loss or shifting of liner material
- Broken or missing stitches
- Material integrity: UV, chemical degradation
- Wristlets: elasticity, stretching, cuts, thermal damage
- Reflective trim: attached, reflectivity, damage
- Label integrity, legibility
- Hook and Loop functionality
- Liner attachment systems
- Closure system functionality

**E. Disposing of PPE**

PPE such as gloves, aprons and masks are single use items and should be disposed of after each procedure or activity to prevent cross-transmission of micro-organisms. When these items are worn primarily to protect the wearer, the importance of their prompt removal between tasks on the same client or between clients can easily be overlooked and give rise to the possibility of contamination.

All PPE must be removed before leaving the area and disposed of in designated waste bend and any body fluids that have inadvertently contaminated the skin washed off immediately. PPE should not replace other infection prevention and control practices such as hand hygiene.

**F. Types of Protective Equipment**

Protective equipment, including personal protective equipment for eyes, face, hands and extremities; protective clothing; respirator devices; and protective shields and barriers, are used and maintained in sanitary and reliable condition whenever it is necessary by reason of hazards of process or environment, chemical hazards, radiological hazards, biological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation, or physical contact (OSHA 1910 Standards).

Under no circumstances will a person knowingly be subjected to a hazardous condition without appropriate personal protective equipment. Persons who are exposed to hazards requiring personal protective equipment must be properly instructed in the use of such equipment by the individual in charge of the activity or his/her designee. It is the responsibility of the individual in charge of an activity to assure that safety practices are adhered to. If those individuals required to wear personal protective equipment fail to do so, they will be subject to disciplinary action.

**1. Eye Protection**

Persons working in or studying occupations such as painting, carpentry, construction, labor, landscape, general maintenance, metal trades, chemistry, other sciences and engineering, or any work/study activity which involves hazards such as flying objects, dust and/or vapors, hot metals, chemicals, or light radiation are required to wear approved safety air/goggles at all times while exposed. Food service personnel must wear approved goggles when there is a possibility of eye injury from caustic materials, hot fat splatters, or associated hazards.

Management level employees, students, or visitors, who make occasional visits to machine, welding, and carpentry shops, boiler rooms, equipment rooms, power houses, construction areas, chemistry labs, or other areas in which eye injury is a possibility must wear approved eyewear.

***Prescription Lens Wearers***

If required to wear eye protection, such persons are to wear an approved face shield, goggles that fit over glasses, prescription glasses with protective optical lenses fitted with side shields, or goggles that incorporate prescription lenses.

***Contact Lens Wearers***

Contact lenses must never be considered as a substitute for eye protection; eye protection is to be worn over them. "Contact lenses, of themselves, do not provide eye protection in the industrial sense and must not be worn in a hazardous environment without appropriate covering safety eyewear.

2. **Foot Protection**

For all non-office personnel, "Footwear such as sandals, open-toed shoes, platforms, high heels, cloth-bodied tennis shoes, or sneakers is not considered safe and is prohibited for use as a good work shoe. Well-built safety shoes, leather-bodied shoes, or boots in good condition with low heels and hard soles are to be used."

3. **Hand Protection**

Hand protection must be worn by employees when handling hot work, chemicals, electrical, material handling of rough and/or sharp items, doing landscaping work, welding, and "wherever it is necessary by reason of hazards of processes of environmental, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment" (OSHA 1910 Standards). Hand protection must not be worn while working on moving machinery such as drill saws, grinders, or other rotating and moving equipment that might catch the hand protection and pull the worker's hand into a hazardous area.

4. **Head Protection**

Employees/students in areas such as painting, carpentry, construction, plumbing, labor, landscape, maintenance, metal trade, and any occupations that involve hazards from falling objects and/or overhead must be covered.

5. **Hearing Protection**

Hearing protection must be worn by employees/students when noise exposure is above that of the 85dB (action level) when measured on the A-scale of the standard sound level meter at slow response.

## 6. **Protective Clothing**

Protective clothing must be worn by employees/students when the potential of an employee/student being exposed or coming in contact with harmful substance is evident. i.e., chemicals, high heat (radiant), dust, open flame, etc.

## 8. **Storage of Hazardous Materials**

In order to effectively manage chemicals, a program should be established based on the following three principals:

***Minimize Exposures.*** Take the necessary precautions when working with and storing chemicals. As a means of minimizing the potential for exposure, pursue opportunities for product substitution. Also reduce quantities on hand as much as possible.

***Do Not Underestimate Risks.*** Ensure that the risk associated with each chemical is assessed, understood and communicated. It is prudent to assume all chemicals are hazardous and handle them accordingly. Retain Safety Data Sheets (SDSs) that are sent to the lab or accompany the shipment.

***Use Proper Control Measures.*** Eliminate the hazard through engineering controls, personal protective equipment, and administrative procedures. Ensure that all personnel are properly trained in accordance with regulatory requirements (e.g., Laboratory Standard and MSSM's Chemical Hygiene Plan) so that they can operate safely at their jobs.

The following are key management issues for the storage and handling of hazardous materials including hazardous chemicals, flammable liquids, and compressed gases.

- Materials handling regulations (OSHA 1910 Standards) require aisles and passageways kept clear and in good repair, with no obstructions that could cause hazards.
- "Storage of materials shall not create a hazard" therefore, containers should be placed carefully in tiers that are "stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse."
- "Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion or pest harborage."
- SDS contains vital information you need to know before storing or removing a container that holds a hazardous substance.

8. **Disposal of Hazardous Materials**

The College has contracted with an environmental services vendor to pick up and dispose of hazardous materials college-wide twice a year, at the end of fall and spring semesters. One month prior to the date of pickup, each unit/department is required to submit a complete list of all disposable materials to the Risk and Safety Manager, while assembling all hazardous materials in a designated area, at their respective location, for pickup.

The list is forwarded to contracted vendor for processing. Once all materials have been identified and retrieved, the vendor transports the materials for external disposal.

9. **Responsibilities**

A. **Department Heads/Supervisors of Operating Units Using Hazardous Materials** must:

- (1) Ensure all hazardous material containers are properly labeled.
- (2) Inventory and maintain an up-to-date list of all hazardous materials in his or her area of responsibility.
- (3) Certify the types and amounts of hazardous material on hand are required for the intended purpose of operation.
- (4) Provide safety instructions to employees/students covering proper handling, health considerations, storage, emergency response, and disposition of hazardous materials.
- (5) Ensure appropriate SDS information is readily available to personnel in the area where hazardous material is used/stored.
- (6) Ensure that each work area requiring specific personal protective equipment is posted with appropriate warning signs.
- (7) Ensure appropriate personal protective equipment is available as needed.

B. The College's designated **Risk and Safety Manager** will:

- (1) Maintain a complete list of all hazardous materials currently used/stored on campus by location.
- (2) Provide, as required, safety instructions and procedures for handling and disposing of hazardous materials.
- (3) Ensure SDS information is readily available at all locations.

- (4) Ensure unscheduled inspections are conducted to ensure hazardous materials are used/stored in accordance with prescribed safety regulations.
- (5) Provide overall direction in administering the Hazardous Materials Program at Delgado Community College.

10. **Cancellation**

This policy and procedures memorandum cancels DCI 1373.3, *Control of Hazardous Materials*, dated September 15, 1986.

*Attachment:*

Attachment A- [Hazardous Material Survey Form, Form 1373/001](#)

*Policy Reference:*

Delgado Policy and Procedures Memorandum, [Comprehensive Safety Program](#)  
State of Louisiana Department of Environmental Quality Hazardous Waste Regulations  
mandated by the Hazardous Waste Control Law, L.R.S. 30:2171, et al.

*Review Process:*

Control of Hazardous Materials Ad Hoc Committee 9/20/12  
Safety Council 10/18/12  
College Council 11/6/12  
ORM Procedural Update – Vice Chancellor for Business and Administrative Affairs Approval  
10/22/18

*Distribution:*

Distributed Electronically Via College's Website





# Instructions for Form I-9, Employment Eligibility Verification

Department of Homeland Security  
U.S. Citizenship and Immigration Services

USCIS  
Form I-9  
OMB No. 1615-0047  
Expires 07/31/2026

**Anti-Discrimination Notice:** Employers must allow all employees to choose which acceptable documentation to present for Form I-9. Employers cannot ask employees for documentation to verify information entered in **Section 1**, or specify which acceptable documentation employees must present for **Section 2** or **Supplement B, Reverification and Rehire**. Employees do NOT need to prove their citizenship, immigration status, or national origin when establishing their employment authorization for Form I-9 or E-Verify. Requesting such proof or any specific document from employees based on their citizenship, immigration status, or national origin, may be illegal. Similarly, discriminating against employees in hiring, firing, recruitment, or referral for a fee, based on citizenship, immigration status, or national origin may be illegal. Employers should not reject acceptable documentation due to a future expiration date. For more information on how to avoid discrimination or how to report it, contact the Immigrant and Employee Rights Section in the Department of Justice's Civil Rights Division at [www.justice.gov/ier](http://www.justice.gov/ier).

## Purpose of Form I-9

Employers and employees must complete their respective sections of Form I-9. The form is used to document verification of the identity and employment authorization of each new employee (both U.S. citizen and noncitizen) hired after November 6, 1986, to work in the United States. In the Commonwealth of the Northern Mariana Islands (CNMI), employers must complete Form I-9 to document the verification of the identity and employment authorization of each new employee (both U.S. citizen and noncitizen) hired after November 27, 2011.

## Definitions

**Employee:** A person who performs labor or services in the United States for an employer in return for wages or other remuneration. The term "employee" does not include individuals who do not receive any form of remuneration (e.g., volunteers), independent contractors, or those engaged in certain casual domestic employment.

**Employer:** A person or entity, including an agent or anyone acting directly or indirectly in the interest thereof, who engages the services or labor of an employee to be performed in the United States for wages or other remuneration. This includes recruiters and referrers for a fee who are agricultural associations, agricultural employers, or farm labor contractors.

**Authorized Representative:** Any person an employer designates to complete and sign Form I-9 on the employer's behalf. Employers are liable for any statutory and regulatory violations made in connection with the form or the verification process, including any violations committed by any individual designated to act on the employer's behalf.

**Preparer and/or Translator:** Any individual who helps the employee complete or translates **Section 1** for the employee.

## General Instructions

Form I-9 consists of:

- **Section 1:** Employee Information and Attestation
- **Section 2:** Employer Review and Verification
- Lists of Acceptable Documents
- Supplement A, Preparer and/or Translator Certification for Section 1
- Supplement B, Reverification and Rehire (formerly Section 3)

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## EMPLOYEES

Employees must complete and sign **Section 1** of Form I-9 no later than the first day of employment (i.e., the date the employee begins performing labor or services in the United States in return for wages or other remuneration). Employees may complete **Section 1** before the first day of employment, but cannot complete the form before acceptance of an offer of employment.

## EMPLOYERS

Employers in the United States, except Puerto Rico, must complete the English-language version of Form I-9. Only employers located in Puerto Rico may complete the Spanish-language version of Form I-9 instead of the English-language version. Any employer may use the Spanish-language form and instructions as a translation tool.

All employers must:

- Make the instructions for Form I-9 and Lists of Acceptable Documents available to the employee when completing the Form I-9 and when requesting that the employee present documentation to complete Supplement B, Reverification and Rehire. See page 5 for more information.
- Ensure that the employee completes **Section 1**.
- Complete **Section 2** within three business days after the employee's first day of employment. If you hire an individual for less than three business days, complete **Section 2** no later than the first day of employment.
- Complete Supplement B, Reverification and Rehire when applicable.
- Leave a field blank if it does not apply and allow employees to leave fields blank in **Section 1**, where appropriate.
- Retain completed forms. You are not required to retain or store the page(s) containing the Lists of Acceptable Documents or the instructions for Form I-9. Do not mail completed forms to U.S. Citizenship and Immigration Services (USCIS) or Immigration and Customs Enforcement (ICE).

Additional guidance about how to complete Form I-9 may be found in the **Handbook for Employers: Guidance for Completing Form I-9 (M-274)** and on **I-9 Central**.

### Section 1: Employee Information and Attestation

**Step 1: Employee completes Section 1 no later than the first day of employment.**

- All employees must provide their current legal name, complete address, and date of birth. If other fields do not apply, leave them blank.
- When completing the name fields, enter your current legal name and any last names you previously used, including any hyphens or punctuation. If you only have one name, enter it in the Last Name field and then enter "Unknown" in the First Name field.
- Providing your 9-digit Social Security number in the Social Security number field is voluntary, unless your employer participates in E-Verify. See page 5 for instructions related to E-Verify. Do not enter an Individual Taxpayer Identification Number (ITIN) as your Social Security number.

**Step 2: Attest to your citizenship or immigration status.**

You must select one box to attest to your citizenship or immigration status.

1. **A citizen of the United States.**
2. **A noncitizen national of the United States:** An individual born in American Samoa, certain former citizens of the former Trust Territory of the Pacific Islands, and certain children of noncitizen nationals born abroad.
3. **A lawful permanent resident:** An individual who is not a U.S. citizen and who resides in the United States under legally recognized and lawfully recorded permanent residence as an immigrant.

Conditional residents should select this status. Asylees and refugees should NOT select this status; they should instead select "A noncitizen authorized to work." If you select "lawful permanent resident," enter your 7- to 9-digit USCIS Number (A-Number) in the space provided.

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- 4. A noncitizen (other than Item Numbers 2. and 3. above) authorized to work:** An individual who has authorization to work but is not a U.S. citizen, noncitizen national, or lawful permanent resident.

If you select this box, enter the date that your employment authorization expires, if any, in the space provided. In most cases, your employment authorization expiration date is found on the documentation evidencing your employment authorization. If your employment authorization documentation has been automatically extended by the issuing authority, enter the expiration date of the automatic extension in this space.

- Refugees, asylees, and certain citizens of the Federated States of Micronesia, the Republic of the Marshall Islands, or Palau, and other noncitizens authorized to work whose employment authorization does not have an expiration date, should enter N/A in the Expiration Date field.

Employees who select "a noncitizen authorized to work" must enter one of the following to complete **Section 1**:

- (1) **USCIS Number/A-Number** (7 to 9 digits);
- (2) **Form I-94 Admission Number** (11 digits); or
- (3) **Foreign Passport Number and the Country of Issuance**

Your employer may not ask for documentation to verify the information you entered in **Section 1**.

**Step 3: Sign and enter the date you signed Section 1. Do NOT back-date this field.**

**Step 4: Preparer and/or translator completes a Preparer and/or Translator Certification, if applicable.**

If a preparer and/or translator assists an employee in completing Section 1, that person must complete a Certification area on Supplement A, Preparer and/or Translator Certification for Section 1, located on Page 3 of Form I-9. There is no limit to the number of preparers and/or translators an employee may use. Each preparer and/or translator must complete and sign a separate Certification area. Employers must ensure that they retain any additional pages with the employee's completed Form I-9. If the employee does not use a preparer or translator, employers are not required to provide or retain Supplement A.

**Step 5: Present Form I-9 Documentation**

Within three business days after your first day of employment, you, the employee, must present to your employer original, acceptable, and unexpired documentation that establishes your identity and employment authorization. For example, if you begin employment on Monday, you must present documentation on or before the Thursday of that week. However, if you were hired to work for less than three business days, you must present documentation no later than the first day of employment.

Choose which documentation to present to your employer from the Lists of Acceptable Documents. An employer cannot specify which documentation you may present from the Lists of Acceptable Documents. You may present either: 1.) one selection from List A or 2.) a combination of one selection from List B and one selection from List C. In certain cases, you may also present an acceptable receipt for List A, B, or C documents. For more information on receipts, refer to the M-274.

- List A documentations show both identity and employment authorization. Some documentation must be presented together to be considered acceptable List A documentation. If you present acceptable List A documentation, you should not be asked to present List B and List C documentation.
- List B documentation shows identity only and List C documentation shows employment authorization only. If you present acceptable List B and List C documentation, you should not be asked to present List A documentation. Guidance is available in the M-274 if you are under the age of 18 or have a disability (special placement) and cannot provide List B documentation.

Your employer must physically examine the documentation you present to complete Form I-9, or examine them consistent with an alternative procedure authorized by the Secretary of DHS. If your documentation reasonably appears to be genuine and to relate to you, your employer must accept the documentation. If your documentation does not reasonably appear to be genuine or to relate to you, your employer must reject it and provide you with an opportunity to present other documentation. Your employer may choose to make copies of your documentation, but must return the original(s) to you. Your employer may not ask for documentation to verify the information you entered in **Section 1**.

## Section 2: Employer Review and Verification

Before completing **Section 2**, you, the employer, should review **Section 1**. If you find any errors or missing information in **Section 1**, the employee must correct the error, and then initial and date the correction.

You may designate an authorized representative to act on your behalf to complete **Section 2**.

You or your authorized representative must complete **Section 2** by physically examining evidence of the employee's identity and employment authorization within three business days after the employee's first day of employment. For example, if an employee begins employment on Monday, you must review the employee's documentation and complete **Section 2** on or before the Thursday of that week. However, if the individual will work for less than three business days, **Section 2** must be completed no later than the first day of employment.

### Step 1: Enter information from the documentation the employee presents.

You, the employer or authorized representative, must either physically examine, or examine consistent with an alternative procedure authorized by the Secretary of DHS, the original, acceptable, and unexpired documentation the employee presents from the Lists of Acceptable Documents to complete the applicable document fields in **Section 2**. You cannot specify which documentation an employee may present from these Lists of Acceptable Documents. A document is acceptable if it reasonably appears to be genuine and to relate to the person presenting it. Photocopies, except for certified copies of birth certificates, are not acceptable for Form I-9. Employees must present one selection from List A or a combination of one selection from List B and one selection from List C.

You may use common abbreviations for states, document titles, or issuing authorities, such as: "DL" for driver's license, and "SSA" for Social Security Administration. Refer to the M-274 for abbreviation suggestions.

#### List A documentation shows both identity and employment authorization.

- Enter the required information from the List A documentation in the first set of document entry fields in the List A column. Some List A documentation consists of a combination of documents that must be presented together to be considered acceptable List A documentation. If the employee presents a combination of documents for List A, use the second and third sets of document entry fields in the List A column. Use the Additional Information space, as necessary, for additional documents. When entering document information in this space, ensure you record all available document information, such as the document title, issuing authority, document number and expiration date.
- If an employee presents acceptable List A documentation, do not ask the employee to present List B and List C documentation.

#### List B documentation shows identity only, and List C documentation shows employment authorization only.

- If an employee presents acceptable List B and List C documentation, enter the required information from the documentation under each corresponding column and do not ask the employee to present List A documentation.
- If an employee under the age of 18 or with disabilities (special placement) cannot provide List B documentation, see the M-274 for guidance.

In certain cases, the employee may present an acceptable receipt for List A, B, or C documentation. For more information on receipts, refer to the Lists of Acceptable Documents and the M-274.

#### Photocopies

- You may make photocopies of the documentation examined but must return the original documentation to the employee.
- You must retain any photocopies you make with Form I-9 in case of an inspection by DHS, the Department of Labor, or the Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section.

### Step 2: Enter additional information, if necessary.

Use the Additional Information field to record any additional information required to complete **Section 2**, or any updates that are necessary once **Section 2** is complete. Initial and date each additional notation. See the M-274 for more information. Such notations include, but are not limited to:

- Those required by DHS, such as extensions of employment authorization or a document's expiration date.
- Replacement document information if a receipt was previously presented.
- Additional documentation that may be presented by certain nonimmigrant employees.

You may also enter optional information, such as termination dates, form retention dates, and E-Verify case numbers, if applicable.

**Step 3: Select the box in the Additional Information area if you used an alternate procedure for document examination authorized by the Secretary of DHS.**

You must select this box if you used an alternative procedure authorized by DHS to examine the documents. You may refer to the M-274 for guidance on implementing alternative procedures for document examination approved by the Secretary of DHS.

**Step 4: Complete the employer certification.**

Employers or their authorized representatives, if applicable, must complete all applicable fields in this area, and sign and date where indicated.

## Reverification and Rehire

To reverify an employee's work authorization or document an employee's rehire, use Supplement B, Reverification and Rehire (formerly Section 3). Employers need only complete and retain the supplement page when employment authorization reverification is required. Employers may choose to document a rehire on the supplement as well. Enter the employee's name at the top of each supplement page you use. In the New Name field, record any change the employee reports at the time of reverification or rehire. Use a new section of the supplement for each instance of a reverification or rehire, sign and date that section when completed, and attach it to the employee's completed Form I-9. Use additional supplement pages as necessary. Use the Additional Information fields if the employee's documentation presented for reverification requires future updates.

### Reverifications

When reverification is required, you must reverify the employee by the earlier of the employment authorization expiration date stated in Section 1 (if any), or the expiration date of the List A or List C employment authorization documentation recorded in Section 2. Employers should complete any subsequent reverifications, if required, by the expiration date of the List A or List C documentation entered during the employee's most recent reverification.

For reverification, employees must present acceptable documentation from either List A or List C showing their continuing authorization to work in the United States. You must allow employees to choose which acceptable documentation to present for reverification. Employees are not required to show the same type of document they presented previously. Enter the documentation information in the appropriate fields provided.

You should not reverify the employment authorization of U.S. citizens and noncitizen nationals, or lawful permanent residents (including conditional residents) who presented a Permanent Resident Card (Form I-551) or other employment authorization documentation that is not subject to reverification (such as an unrestricted Social Security card). Reverification does not apply to List B documentation. Reverification may not apply to certain noncitizens. See the M-274 for more information about when reverification may not be required.

### Rehires

If you rehire an employee within three years from the date the employee's Form I-9 was first completed, you may complete the supplement and attach it to the employee's previously completed Form I-9. If the employee remains employment-authorized, as indicated on the previously completed Form I-9, record the date of rehire and any name changes. If the employee's employment authorization or List A or C documents have expired, you must reverify the employee as described above.

Alternatively, you may complete a new Form I-9 for rehired employees. You must complete a new Form I-9 for any employee you rehired more than three years after you originally completed a Form I-9 for that employee.

## Employee and Employer Instructions Related E-Verify

E-Verify uses Form I-9 information to confirm employees' employment eligibility. For more information, go to [www.e-verify.gov](http://www.e-verify.gov) or contact us at [www.e-verify.gov/contact-us](http://www.e-verify.gov/contact-us).

For employees of employers who participate in E-Verify:

- You must provide your Social Security number in the Social Security number field in **Section 1**.
  - If you have applied for, but have not yet received, your Social Security number, you should leave the field blank until you receive the number. Update this field once you receive it, and initial and date the notation.
  - If you can present acceptable identity and employment authorization documentation to complete Form I-9, you may begin working while waiting to receive your Social Security number.
- Providing your email address and telephone number in **Section 1** will allow you to receive notifications associated with your E-Verify case.
- If you present a List B document to your employer, it must contain a photograph.

For E-Verify employers:

- Ensure employees enter their Social Security number in **Section 1**.
- You must only accept List B documentation that contains a photograph. This applies to individuals under the age of 18 and individuals with disabilities.
- You must retain photocopies of certain documentation.

## What is the Filing Fee?

There is no fee for completing Form I-9. This form is not filed with USCIS or any other government agency. Form I-9 must be retained by the employer and made available for inspection by U.S. Government officials as specified in the "DHS Privacy Notice" below.

## USCIS Forms and Information

Employers may photocopy or print blank Forms I-9. To ensure you are using the latest version of this form and corresponding instructions, visit the USCIS website at [www.uscis.gov/i-9](http://www.uscis.gov/i-9). You may order paper forms at [www.uscis.gov/forms/forms-by-mail](http://www.uscis.gov/forms/forms-by-mail) or by contacting the USCIS Contact Center at 1-800-375-5283 or 1-800-767-1833 (TTY).

For additional guidance about Form I-9, employers and employees should refer to the **Handbook for Employers: Guidance for Completing Form I-9 (M-274)** or USCIS' Form I-9 website at [www.uscis.gov/i-9-central](http://www.uscis.gov/i-9-central).

You can obtain information about Form I-9 by e-mailing USCIS at [I-9Central@uscis.dhs.gov](mailto:I-9Central@uscis.dhs.gov). Employers may call 1-888-464-4218 or 1-877-875-6028 (TTY). Employees may call the USCIS employee hotline at 1-888-897-7781 or 1-877-875-6028 (TTY).

## Retaining Completed Forms I-9

An employer must retain Form I-9, including any supplement pages, on which the employee and employer (or authorized representative) entered data, as well as any photocopies made of the documentation the employee presented, for as long as the employee works for the employer. When employment ends, the employer must retain the individual's Form I-9 and all attachments for one year from the date employment ends, or three years after the first day of employment, whichever is later. In the case of recruiters or referrers for a fee (only applicable to those that are agricultural associations, agricultural employers, or farm labor contractors), the retention period is three years after the first day of employment.

Completed Forms I-9 and all accompanying documents should be stored in a safe and secure location. Employers should ensure that the information employees provide on Form I-9 is used only as stated in the DHS Privacy Notice below.



Form I-9 may be generated, signed, and retained electronically, in compliance with Department of Homeland Security regulations at 8 CFR section 274a.2. Employers creating, modifying, or storing Form I-9 electronically are encouraged to review these and any other relevant standards for electronic signature, and the indexing, security, and documentation of electronic Form I-9 data.

## Penalties

Employers may be subject to penalties if Form I-9 is not properly completed or for employment discrimination occurring during the employment eligibility verification process. See 8 U.S.C. section 1324a and section 1324b, 8 CFR section 274a.10 and 28 CFR Part 44. Individuals may also be prosecuted for knowingly and willfully entering false information, or for presenting fraudulent documentation, to complete Form I-9.

**Employees:** By signing **Section 1** of this form, employees attest under penalty of perjury (28 U.S.C. section 1746) that the information they provided, along with the citizenship or immigration status they select, and all information and documentation they provide to their employer, is true and correct, and they are aware that they may face penalties provided by law and may be subject to criminal prosecution for knowingly and willfully making false statements or using false documentation when completing this form. Further, falsely attesting to U.S. citizenship may subject employees to penalties or removal proceedings, and may adversely affect an employee's ability to seek future immigration benefits.

**Employers:** By signing **Sections 2 and 3**, as applicable, employers attest under penalty of perjury (28 U.S.C. section 1746) that they have physically examined the documentation presented by the employee, that the documentation reasonably appears to be genuine and to relate to the employee named, that to the best of their knowledge the employee is authorized to work in the United States, that the information they enter in **Section 2** is complete, true, and correct to the best of their knowledge, and that they are aware that they may face civil or criminal penalties provided by law and may be subject to criminal prosecution for knowingly and willfully making false statements or knowingly accepting false documentation when completing Form I-9.

## DHS Privacy Notice

**AUTHORITIES:** The information requested on this form, and the associated documents, are collected under the Immigration Reform and Control Act of 1986, Pub. L. 99-603 (8 U.S.C. 1324a).

**PURPOSE:** The primary purpose for providing the requested information on this form is for employers to verify the identity and employment authorization of their employees. Consistent with the requirements of the Immigration Reform and Control Act of 1986, employers use the Form I-9 to document the verification of the identity and employment authorization for new employees to prevent the unlawful hiring, or recruiting or referring for a fee, of individuals who are not authorized to work in the United States. This form is completed by both the employer and the employee and is ultimately retained by the employer.

**DISCLOSURE:** The information employees provide is voluntary. However, failure to provide the requested information, and acceptable documentation evidencing identity and authorization to work in the United States, may result in termination of employment. Failure of the employer to ensure proper completion of this form may result in the imposition of civil or criminal penalties against the employer. In addition, knowingly employing individuals who are not authorized to work in the United States may subject the employer to civil and/or criminal penalties.

**ROUTINE USES:** This information will be used by employers as a record of their basis for determining eligibility of an individual to work in the United States. The employer must retain this completed form and make it available for inspection by authorized officials of the Department of Homeland Security, Department of Labor, and Department of Justice, Civil Rights Division, Immigrant and Employee Rights Section. DHS may also share this information, as appropriate, for law enforcement purposes or in the interest of national security.

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## Paperwork Reduction Act

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated at 34 minutes per response, when completing the form manually, and 25 minutes per response when using a computer to aid in completion of the form, including the time for reviewing instructions and completing and retaining the form. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Citizenship and Immigration Services, Office of Policy and Strategy, Regulatory Coordination Division, 5900 Capital Gateway Drive, Mail Stop Number 2140, Camp Springs, MD 20588-0009; OMB No. 1615-0047. **Do not mail your completed Form I-9 to this address.**

# THE LOUISIANA CODE OF GOVERNMENTAL ETHICS



## I. INTRODUCTION TO THE CODE OF GOVERNMENTAL ETHICS

### A. Policy Goals (R.S. 42:1101)

- \* To ensure the public confidence in the integrity of government
- \* To ensure the independence and impartiality of elected officials and public employees
- \* To ensure that governmental decisions and policy are made in the proper channel of the government structure
- \* To ensure that public office and employment are not used for private gain

### B. Administration (R.S. 42:1131 et seq.)

#### (1) **Board of Ethics** established as of January 1, 1997

- Composed of 11 members; 7 appointed by the Governor; 2 elected by the Senate, 2 elected by the House of Representatives
- Initial terms are staggered, thereafter, each term is for 5 years with a 2 term limit on Board membership
- Administers the Code as to all state and local public employees, appointed members of boards and commissions, and elected officials other than judges

#### (2) Duties of the Board

- Issue advisory opinions interpreting the Code (R.S. 42:1134E)
- Conduct private investigations of alleged violations of the Code (R.S. 42:1134C and 1141C)
- Establish a computerized data management system (R.S. 42:1134M)
- Conduct educational activities, seminars and publish appropriate materials to provide instruction (R.S. 42:1134N)

## II. KEY DEFINITIONS (R.S. 42:1102)

- A. **"Agency"** means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.
- B. **"Agency head"** means the chief executive or administrative officer of an agency or any member of a board or commission who exercises supervision over the agency.
- A. **"Controlling interest"** redefined by Act 1204 of the 1999 Regular Legislative Session to mean any ownership in any legal entity or beneficial interest in a trust, held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds 25 percent of that legal entity.
- D. **"Immediate family"** as the term relates to a public servant means his children, spouses of children, brothers, sisters, spouses of his brothers and sisters, parents, spouse, and the parents of his spouse.
- E. **"Participate"** means not only to have final decision-making authority, but to take part in or to **have or share responsibility** for an action of the governmental entity through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.
- F. **"Public employee"** means anyone, whether compensated or not, who is (a) an officer or official of a governmental entity who is not filling an elective office; (b) appointed by an elected official to a position to serve the government or government agency, when the elected official was acting in his official capacity; (c) engaged in the performance of a governmental function; or (d) is under the supervision or authority of an elected official or another governmental employee.
- G. **"Public servant"** means a public employee or an elected official.
- H. **"Regulatory employee"** means a public employee who performs the function of regulating, monitoring, or enforcing regulations of any agency.
- I. **"Substantial economic interest"** means an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except the interest the public servant has in his public employment or the interest a person has as a member of the general public.
- J. **"Thing of economic value"** means money or any other thing having economic value, except:
  - (1) promotional items having no substantial resale value;
  - (2) food, drink, or refreshments, including reasonable transportation and entertainment incident thereto, consumed while the personal guest of some person;

- (3) with reference to legislators and legislative employees only, reasonable transportation when organized primarily for educational or informational purposes, including food and drink incidental thereto; and,
- (4) salary and related benefits due to public employment.

K. **“Service”** means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

### III. GENERAL PROHIBITIONS (R.S. 42:1111 - 1121)

**NOTE:** The following is a synopsis of some of the key provisions of the Code of Governmental Ethics. It is only a summary. For the official text of the provisions described below and for the text of other provisions of the Code, including information relative to exceptions to these general restrictions, refer to the Code at LSA R.S. 42:1101 et seq.

**The Code of Governmental Ethics prohibits the:**

- A. 1111A - Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties and responsibilities.
- B. 1111C(1)(a) - Receipt of a thing of economic value for the performance of a service substantially related to public duties or which draws on non-public information.
- C. 1111C(2)(d) - Receipt of a thing of economic value by a public servant for services rendered to or for the following:
  - (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant's agency;
  - (2) persons who are regulated by the public employee's agency; or
  - (3) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duties.

These same restrictions apply to the public servant's spouse and to any legal entity in which the public servant exercises control or owns an interest in excess of 25%.

- D. 1115 - Solicitation or acceptance of a thing of economic value as a gift from any of the persons listed in (C), above; however, the restrictions against the receipt of gifts from persons regulated by a public employee's agency or from persons who may be substantially affected by his performance or nonperformance or his official duty applies only to “public employees” and not to elected officials. In addition, elected officials are not allowed to solicit or accept any thing of economic value from paid lobbyists or their employers.

- E. 1115.1 - Giving of food and drink valued at over **\$57** per single event to a public servant by one of the persons listed in subpart (C) or (A) above; however, this restriction does not apply to a gathering held in conjunction with a meeting of a national or regional organization or a statewide organization of government officials or employees, or to a public servant of a post-secondary education attending a private fundraiser for the post-secondary institution.
- F. 1111E - Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.
- G. 1112 - Participation by a public servant in a transaction involving the governmental entity in which any of the following persons have a substantial economic interest:
  - (1) the public servant;
  - (2) any member of his immediate family;
  - (3) any person in which he has an ownership interest that is greater than the interest of a general class;
  - (4) any person of which he is an officer, director, trustee, partner, or employee;
  - (5) any person with whom he is negotiating or has an arrangement concerning prospective employment;
  - (6) any person who is indebted to him or is a party to an existing contract with him and by reason thereof is in a position to affect directly his economic interests.

An **elected official** may participate in the debate and discussion of a matter which could violate this provision, but only if he discloses the nature of the conflict on the record of his agency prior to his participation in the debate and discussion, and prior to any vote taken on the matter. The elected official is not allowed to vote on the matter and he must recuse himself. R.S. 42:1120.

**Appointed members of boards and commissions** may recuse themselves to avoid a violation of Section 1112. Unlike elected officials, they may not participate in the debate or discussion of the matter. They must recuse themselves from all participation. R.S. 42:1112D.

**Other public employees** who are not sole decision makers can be disqualified from transactions that would violate this prohibition. A mechanism for disqualification is found in the rules promulgated by the Board. R.S. 42:1112C.

- H. 1113 - Bidding on, entering into, or being in any way interested in any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant's agency. This restriction also applies to the immediate family members of the public servant and to legal entities in which the public servant and/or his family members



own an interest in excess of 25%.

- 1113B - Modification of the rule for appointed members of boards and commissions prohibits not only bidding on or entering into such contracts, subcontract and transactions, but also being “in any way interested” in them; also, reference to an interest exceeding 25% is changed to reference legal entities in which the public servant or immediate family members have a “substantial economic interest.”
  - 1113D - Modification applicable to legislators prohibits a legislator, certain executive branch officials, their spouses or legal entities in which either owns an interest from entering into a contract or subcontract with any branch, agency, department or institution of state government, with a few exceptions.
- I. 1116 - A public servant’s use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law or the use of the authority of his office to compel or coerce a person to engage in political activity. Also, a regulatory employee is prohibited from participating in any way in the sale of goods or services to persons regulated by his agency, if a member of his immediate family or if a business enterprise in which the regulatory employee or members of his immediate family own in excess of 25%, receives or will receive a thing of economic value by virtue of the sale.
- J. 1117 - It is prohibited for a public servant or other person make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or deliver a thing of economic value to a public servant when the public servant is prohibited by the Ethics Code from receiving such a thing of economic value.
- K. 1119 - Nepotism
- (1) Members of the immediate family of an agency head may not be employed in the agency.
  - (2) Members of the immediate family of a member of a governing authority or the chief executive of a governmental entity may not be employed in the governmental entity. The term “governing authority” includes parish councils, police juries, school boards, town councils, boards of aldermen, etc.
  - (3) Note that the application of this restriction is not affected by whether the agency head, chief executive or governing authority member has authority over or actually participates in the hiring decision - such family members are simply ineligible for employment.
  - (4) **Exceptions:**
    - (a) persons employed in violation of this rule continuously since April 1,

1980;

- (b) a person employed for one year prior to their family member becoming an agency head;
- (c) employment of a school teacher who is a member of the immediate family of the superintendent or a school board member as long as the family member is certified to teach. Annual disclosure is required and forms are available from the Ethics Administration Program office. Pursuant to Act 1349 of the 1999 Regular Legislative Session, if the required disclosure is not timely filed, a late fee assessment of \$50 per day, with a maximum penalty of \$1,500, may be imposed;
- (d) employment as a health care provider, of an immediate family member of a hospital service district board member or of a public trust authority board member as long as the hospital service district or the public trust authority has a population of less than 100,000 and the family member is a licensed physician or a registered nurse. Annual disclosure is required and forms are available from the Ethics Administration Program office. Pursuant to Act 1349 of the 1999 Regular Legislative Session, if the required disclosure is not timely filed, a late fee assessment of \$50 per day may be imposed, with a maximum penalty of \$1,500, or
- (e) persons employed as volunteer firefighters.

L. 1121- Post Employment

- (1) During the two year period following the termination of public service as an **agency head** or **elected official**, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with any transaction involving their former agency nor may they render any service on a contractual basis to or for their former agency.
- (2) During the two year period following the termination of public service as a **board or commission member**, these individuals may not contract with, be employed in any capacity by, or be appointed to any position by that board or commission. The Board has interpreted "board or commission" to include a collective body that shares responsibility for its actions. This would include school boards, police juries, boards of aldermen, a group of selectmen, a council, etc.
- (3) During the two year period following the termination of public service as a **public employee**, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with a transaction involving the agency in which the former public employee participated while employed by the agency nor may the former public employee provide on a contractual basis to his former public employer, any service he provided while employed there.

#### IV. PROCEDURE

- A. Complaints - The Board can initiate an investigation into any matter which it has reason to believe may be a violation of the Code by a 2/3 vote of its membership (8 votes). A

copy of the vote, and a detailed explanation of the matter is sent to the complainant and the respondent. Additionally, the Board must consider any signed sworn complaint.

- B. Investigations - The Board considers information discovered through a confidential investigation. Some cases lead to voluntary admissions of violations of the Code through the publication of a consent opinion.

## **V. ENFORCEMENT AND PENALTIES**

- A. Agency heads have a responsibility to report possible Code violations to the Board. R.S. 42:1161A
- B. Penalties
  - (1) The Board has the authority to censure an elected official or other person within its jurisdiction and to impose a fine of not more than \$10,000 per violation; it does not have the authority to remove an elected official from office. R.S. 42:1153A
  - (2) The Board has the authority to remove, suspend, reduce the pay or demote a public employee or other person and to impose a fine of not more than \$10,000 per violation. R.S. 42:1153B
  - (3) The Board has the authority to impose restrictions on a former public servant to prevent appearances before his former agency and to prohibit the negotiation for or entering into business relationships with his former agency. R.S. 42:1151B
  - (4) The Board has the authority to rescind contracts, permits and licenses, without contractual liability to the public, whenever the Board finds that a violation has influenced the making of such contract, permit or license, and that such rescission is in the best interest of the public. R.S. 42:1152
  - (5) The Board may order the payment of penalties if an investigation reveals that any public servant or other person has violated the Code to his economic advantage and penalties can include the amount of such economic advantage plus one half. R.S. 42:1155A
  - (6) The Board is authorized to order the forfeiture of any gifts or payments made in violation of the Code. R.S. 42:1155B

## **VI. FINANCIAL DISCLOSURE**

- A. Persons holding statewide elected office, the secretaries of certain departments of state government, the superintendent of education, the commissioner of higher education, the president of each public postsecondary education system, and persons holding certain positions in the office of the governor must file a financial disclosure report with the Board of Ethics annually, by May 15 of each year. The financial disclosure report must be filed each year the office or position is held,

and the year following the termination of the office or position. R.S. 42:1124.

- B. State legislators, elected officials holding a public office representing a voting district with a population of 5,000 or greater, members of the Board of Ethics, the ethics administrator, and members of the Board of Elementary and Secondary Education must file a financial disclosure report with the Board of Ethics annually, beginning in 2009. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office or position. The financial disclosure report is due by May 15<sup>th</sup> of each year. The penalty for late filing is \$100 per day. R.S. 42:1124.2.
- C. Members and designees of boards and commissions which have the authority to expend, disburse or invest \$10,000 or more in funds in a fiscal year, members of the State Civil Service Commission, and members of the Board of Commissioners of the Louisiana Stadium and Exposition District must file a financial disclosure report with the Board of Ethics annually, beginning in 2009. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office or position. The financial disclosure report is due by May 15<sup>th</sup> of each year. The penalty for late filing is \$50 per day. R.S. 42:1124.2.1.
- C. Elected officials holding a public office representing a voting district with a population of less than 5,000 must file a financial disclosure report with the Board of Ethics annually, beginning in 2010. The financial disclosure report must be filed each year the office or position is held, and the year following the termination of the office and position. The financial disclosure report is due by May 15<sup>th</sup> of each year. The penalty for late filing is \$50 per day. R.S. 42:1124.3.

## VII. ETHICS TRAINING

- A. Beginning January 1, 2012, each **public servant** shall receive a minimum of hour of education and training on the Code of Ethics during each year of his public employment or term of office. Newly elected officials must receive training within 90 days of taking the oath of office. (R.S. 42:1170)
  - (1) Persons who are public servants solely because he is an uncompensated, volunteer fireman or an uncompensated, auxiliary or reserve law enforcement officer are exempt from the training.
  - (2) Nonsalaried employees of hospitals operated by a hospital service are exempt as long as the employ cannot enter into contracts on behalf of the hospital for goods or services or the duties of the employee do not include the supervision of another public employee.
- B. Newly **elected officials** must receive ethics training within 90 days of taking the oath of office. (R.S. 42:1170), and Campaign Finance Training once during his term of office.

## VIII. MISCELLANEOUS

- A. It is a violation of the Code to have one or more employees on the payroll who are not rendering services for which they are being paid or having one or more employees on the payroll whose employment is prohibited by the nepotism section of the Code. R.S. 42:1161F
- B. No action can be maintained by the Board more than 2 years after the discovery of the occurrence of the violation nor more than 4 years after the occurrence of the violation, whichever is shorter. R.S. 42:1163
- C. Judges, as defined in the Code of Judicial Conduct, are exempt from the provisions of the Code, although employees of the judge are subject to the Code. R.S. 42:1167
- D. It is a violation of the Code for any public servant to be disciplined or otherwise subjected to acts of reprisal for reporting to his agency head, the Board, or any person of competent authority or jurisdiction, information which he reasonably believes is in violation of any law, order, rule, or regulation within the Board's jurisdiction or any other alleged acts of impropriety within any governmental entity. R.S. 42:1169
- E. Attorneys who are also public servants are subject to the provisions of the Code in that capacity, notwithstanding any conflicting provisions in the Code of Professional Responsibility that might otherwise allow an attorney to engage in conduct which is prohibited by the Code.

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**Our web site is: <http://www.ethics.state.la.us/>**

NOTE: This outline does not fully state the law. If interpretations of this outline conflict with the provisions of the Code of Governmental Ethics (LSA-R.S. 42:1101, et seq.), the Code will control.
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Rev. 07/13



## Blood Borne Pathogens

For More Information, Please Visit: <https://www.doa.la.gov/Pages/orm/OnlineCourses.aspx>

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, OFFICE OF RISK MANAGEMENT. YOU ARE REQUIRED TO READ ALL INFORMATION AND ASK ANY QUESTIONS THAT YOU MAY HAVE. AT THE END OF THIS DOCUMENT IS A WRITTEN EXAM WHICH YOU ARE REQUIRED TO PASS WITH A MINIMUM SCORE OF 70%. THIS TRAINING IS AN OVERVIEW OF GENERAL INFORMATION AND MINIMAL INDUSTRY STANDARDS FOR BLOOD BORNE PATHOGENS, WHICH IS APPLICABLE TO ALL STATE AGENCIES AND EMPLOYEES. THIS PROGRAM DOES NOT SATISFY ANY "SITE/JOB-SPECIFIC" REQUIREMENTS, REGARDLESS OF WHETHER THE AGENCY OR ITS EMPLOYEES ARE CONSIDERED "HIGH RISK", OR NOT. FOR "HIGH RISK" EMPLOYEES, TRAINING ON "SITE/JOB-SPECIFIC" POLICIES AND PROCEDURES WILL TAKE PLACE AT THE DEPARTMENTAL LEVEL

### Purpose

Why do YOU need Blood Borne Pathogens training?

- To protect your health and that of other employees.
- To gain a basic understanding of BBP, common modes of transmission, methods of prevention and other pertinent information.
- All employees who have the potential for exposure to Blood Borne Pathogens must be provided with certain protections.
- The State, via The Office of Risk Management (ORM), requires it.

All State of Louisiana employees are required to be trained on their agency-specific Blood Borne Pathogen Plan within the first 90 days of employment and every three years thereafter. However, if you have been identified as a **high risk** employee, you must have this training annually. One is considered a **high risk** employee if they can reasonably anticipate having contact with blood or other potentially infectious material as part of their regular job duties.

Some examples of **high risk** occupations include: healthcare workers, lab technicians, police officers, first responders, fire fighters, custodial staff (which may handle contaminated linen), kitchen staff (which may handle sharp equipment), public safety workers, plumbers, etc.




Any questions regarding the “risk level” associated with your current job title should be directed to your agency’s Loss Prevention Safety Coordinator (Risk Manager).

## Common BBP Diseases

Both **Hepatitis B** and **C**, **human immunodeficiency virus (HIV)**, **malaria**, **syphilis**, **brucellosis** and **herpes**. Hepatitis and HIV are the most common forms of Blood Borne Pathogens.

Note the table below for more information on Hepatitis.

Viral Hepatitis - Overview					
	Type of Hepatitis				
	A	B	C	D	E
Source of virus	feces	blood/ blood-derived body fluids	blood/ blood-derived body fluids	blood/ blood-derived body fluids	feces
Route of transmission	fecal-oral	percutaneous permucosal	percutaneous permucosal	percutaneous permucosal	fecal-oral
Chronic infection	no	yes	yes	yes	no
Prevention	pre/post- exposure immunization	pre/post- exposure immunization	blood donor screening; risk behavior modification	pre/post- exposure immunization; risk behavior modification	ensure safe drinking water



## Modes of Transmission

Blood Borne Pathogens are acquired through **specific exposure incidents**, and can be transmitted by both “*direct*” and “*indirect*” modes.

### Direct Modes of Transmission

Unbroken skin forms an impervious barrier against Blood Borne Pathogens. However, Blood Borne Pathogens can enter the body directly through the mucous membranes of the eyes, nose, mouth, and genitals and via sexual contact. Also, open sores, cuts, abrasions, acne, human bites, punctures and/or broken skin are modes of transmission. Pregnant mothers can also transmit Blood Borne Pathogens to their baby at or before birth. Common carriers of Blood Borne Pathogens include urine, semen, and bloody saliva. Smoking, eating, drinking, and applying cosmetics should never be done in areas where potential exposure to BBP may occur.



### Indirect Modes of Transmission

- Contact with contaminated/infected needles, razors, toothbrushes, or other personal care items
- Coming into contact with a contaminated surface and then touching broken skin or mucous membranes
- Tattooing/body piercing tools

## Personal Protective Equipment ( PPE )

PPE is defined as anything that is used to protect a person from coming into contact with blood or other potentially infectious materials; and items used to minimize and/or avoid exposure.

*Examples of PPE include gloves, goggles, masks/respirators, aprons/gowns, lab coats, face shields.*

The condition of the PPE should always be examined prior to use. If the integrity of the PPE is compromised, it should be discarded and replaced.

After use, PPE should be removed in the work area. If there is any chance that PPE is contaminated, it should be discarded (if disposable) or placed in an appropriately labeled receptacle to be decontaminated and/or sterilized as soon as possible. The “universal agent” that can be used to decontaminate all surfaces of all known Blood Borne Pathogens is a solution of nine-parts water and one-part bleach. Be sure to always thoroughly wash your hands or any other parts of the body which may have come into contact with a BBP, even though PPE was worn.

## Signs & Labels

Warning labels should be included on all regulated waste, refrigerators/freezers containing blood or other potentially infectious material, and other containers used to store, transport, or ship blood or other potentially infectious materials. These labels are fluorescent in color and have the word BIOHAZARD on them.



## Vaccinations against HBV

Employees who have been determined to have “**high risk**” exposure to Blood Borne Pathogens should be offered the Hepatitis B vaccine series free of charge. The vaccine is administered in a series of three injections. It is necessary to receive all three injections for the vaccination to be effective. Employees do have the right to decline the vaccination. In doing so, you will be asked to sign a declination form. Even after initially declining, you may still choose to receive the vaccination at anytime during employment.

## Regulated Waste

### Examples of regulated waste include:

- a) any liquid or semi-liquid blood or other potentially infectious materials
- b) contaminated items that would release blood or other potentially infectious materials in a liquid or semi-liquid state, if compressed
- c) items that are caked with dried blood or other potentially infectious materials that are capable of being released during handling
- d) contaminated sharps
- e) pathological and/or microbiological wastes containing blood and/or other potentially infectious materials

Always use leak-proof containers when disposing of contaminated materials. Ensure that all containers are properly labeled with a biohazard label.

## Exposure to BBP

You should always treat ALL bodily fluids as if they are infectious, regardless of if you know the person or not. There are two categories of exposure: occupational exposure and exposure incident.

- **Occupational exposure** is a *reasonably anticipated* skin, eye, mucus membrane, or parenteral\* contact with blood or other potentially infectious material that **may** result from the performance of an employee's duties.
  - \* *Parenteral means piercing a mucus membranes, such as eyes, nose, mouth and genitals or the skin barrier through events such as needle sticks, human bites, cuts, and abrasions.*
- **Exposure incident** is a *specific* eye, mouth, other mucus membrane, non-intact skin, or parenteral\* **contact with** blood or other potentially infectious material that results from the performance of an employee's duties.

### What to do after an exposure?

Wash the exposed area thoroughly with soap and running water. Use non-abrasive, antibacterial soap, if possible. If blood or other potentially infectious materials are splashed in the eye or mucous membrane, flush the affected area with running water for at least 15 minutes.

### Reporting

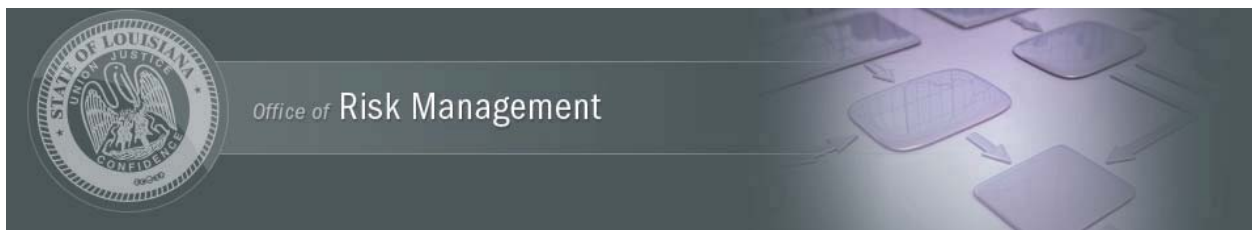
Report the exposure to your supervisor as soon as possible. Follow procedures for medical assistance.

### Post Exposure Evaluation & Follow up

- Document the exposure incident, including the route of exposure and the circumstances under which the exposure incident occurred.
- Identify the source individual, if possible.
- If consent can be obtained, test the source individual's blood.

## Exposure Control Plan (ECP)

All agencies are mandated by the Office of Risk Management to have a written Exposure Control Plan. Should you have questions regarding your agency's Exposure Control Plan or ECP, contact your safety coordinator.



# Sexual Harassment

THE FOLLOWING INFORMATION IS REQUIRED BY THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, OFFICE OF RISK MANAGEMENT. YOU ARE REQUIRED TO READ ALL INFORMATION AND ASK ANY QUESTIONS THAT YOU MAY HAVE. AT THE END OF THIS DOCUMENT IS A WRITTEN EXAM WHICH YOU ARE REQUIRED TO PASS WITH A MINIMUM SCORE OF 70%. IN ADDITION TO THIS TRAINING, YOU WILL RECEIVE A WRITTEN COPY OF THE AGENCY'S SEXUAL HARASSMENT POLICY.

## COURSE OBJECTIVES

After reading this document, you will be able to:

- Define Sexual Harassment
- Understand that sexual harassment will not be tolerated
- Identify potentially harassing behaviors
- Know what to do if you are harassed
- Understand how harassment complaints are handled

## BASIC DEFINITION

The Equal Employment Opportunity Commission (EEOC) is the federal agency responsible for enforcing federal anti-discrimination laws. The EEOC defines sexual harassment as a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964.

**Sexual harassment includes unwanted sexual advances, requests for sexual favors and other verbal or physical behavior of a sexual nature.** This behavior becomes harassing when it affects an individual's job, hurts an individual's work performance, or creates a work atmosphere that is hostile or threatening. These effects on an individual's job could be obvious, such as an employee who doesn't come to work to avoid harassment, or less obvious, such as an employee who cannot concentrate on the job because he or she is worried or upset about harassment at work.

**It is unlawful to punish an individual for complaining about sexual harassment or filing discrimination charges. It is also illegal to punish an employee for acting as a witness in a sexual harassment investigation or lawsuit.**

## WHO CAN HARASS?

As the definition of sexual harassment shows, sexual harassment can occur in a variety of circumstances. Theoretically, practically anyone can sexually harass anyone else. When we think of sexual harassment, we often think of a supervisor harassing an employee. While that is one example of sexual harassment, there are other circumstances of harassment, including but not limited to the following:

- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee like a customer, client or vendor.
- The victim does not have to be the person for whom harassment is intended but could be anyone affected by the offensive conduct. This is often called Third Party sexual harassment.
- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex. This type of harassment is often referred to as same-sex sexual harassment.

## INTENT

Many people accused of sexually harassing another defend their behavior by saying they were "only joking" and "didn't mean anything by it." Courts have said that whether the harasser was just joking or not is **no defense** for sexual harassment. It is not the harasser's intent that is important, but the effect of the harassment on the victim.

## WHERE CAN SEXUAL HARASSMENT TAKE PLACE?

Most sexual harassment occurs at the workplace. Harassment can happen off-site too, however. Basically, **sexual harassment can take place anywhere**, including (but not limited to):

- The normal place of work
- Temporary work sites, including a client's or customer's work site
- At restaurant or other places where work gatherings take place
- While traveling for work or with co-workers
- At conferences, training classes, etc...

Basically, sexual harassment can take place anywhere.

## FOUR TYPES OF HARASSMENT

### (1) QUID PRO QUO

The first type of harassment is what is called "quid pro quo." This is a Latin phrase, which means "this for that." It is essentially an implied bargain involving sexual activity or favors. Quid pro quo sexual

harassment occurs when a person in a position of power over an employee (like a supervisor or manager) pressures the employee to consent to sexual activity in return for a job-related reward or to avoid a job-related threat.

For example, a supervisor who tells an employee that she must agree to a date with him in order to receive a “Successful” rating on her Performance Evaluation is committing quid pro quo sexual harassment. The implied threat is that if the employee says “no,” she will receive an “Unsuccessful” rating.

While quid pro quo harassment usually involves a supervisor or manager, the harasser could also be a vendor, customer, employee from another department, or any person who has some job-related power over an employee.

Agency harassment policies strictly forbid quid pro quo harassment.

## *(2) HOSTILE WORK ENVIRONMENT*

Another type of harassment is harassment that causes a hostile work environment. Hostile work environment sexual harassment exists if behavior of a sexual nature creates an offensive or hostile environment that interferes with an employee’s work, affects an employee’s work performance, and/or makes the employee feel intimidated, degraded, or abused.

A key point to remember is that the behavior that creates an offensive or hostile environment must be of a sexual nature. A supervisor’s reprimand or counseling of an employee for poor work performance or behavior is not considered sexual harassment. Supervisors have a responsibility to correct poor performance or behavior.

Similarly, two employees who have personality conflicts and do not always get along are not necessarily creating a hostile work environment that is considered sexually harassing. Normal workplace friction is not sexual harassment.

The following things can create or foster a Hostile Work Environment:

- Physical Conduct
  - Physical conduct that can create or encourage a hostile work environment includes (but is not limited to):
    - Unwelcome physical contact, including purposely brushing up against another, placing hands or other parts of the body on the body of another, or invading another’s personal space;
    - Unwelcome physical gestures, including unwelcome facial expressions such as unwanted staring or leering;
    - Displaying or distributing offensive pictures or objects, including pictures or jokes sent via electronic media such as email or text message, as well as picture or objects displayed in the work space such as pornography.
- Verbal Conduct

- In addition to physical conduct, verbal conduct can create or encourage a hostile work environment. Verbal behavior that can create or encourage a hostile work environment may include (but is not limited to):
  - **Unwelcome verbal comments**, including sexually explicit or offensive comments, jokes and stories, as well as repeated and unwelcome requests for dates;
  - **Derogatory or degrading personal comments**, including comments about another's physical attributes or personal life;
  - **Offensive and/or sexually explicit language**, including radio broadcasts.

Again, all of these activities are strictly prohibited by agency policies.

### *(3) GENDER STEREOTYPING*

Another type of sexual harassment not often considered or talked about is harassment based on gender stereotyping. **In this type of harassment, an employee may be subjected to derogatory comments, slurs, or offensive jokes based on arbitrary standards of masculinity or femininity.** Or, they may not be offered a job because their appearance is not considered to be masculine or feminine enough for the job.

For example, a male employee who is told he is “not man enough” or is called derogatory gender-based terms like “pretty boy” or “sissy” may be a victim of harassment based on gender stereotypes.

A recent court case about gender stereotyping involved a woman who was not given a promotion in her company because the manager thought she did not wear enough makeup or clothes that were feminine enough. The court ruled in the employee's favor.

Avoid judging others and making comments or slurs based on arbitrary stereotypes. Remember that what is important is the employee's performance on the job.

### *(4) THIRD PARTY HARASSMENT*

Another type of sexual harassment is Third Party Harassment. In this type of harassment, **the victim does not have to be the person for whom harassment was intended, but could be anyone affected by the offensive conduct.**

In one example of Third Party Harassment, one employee uses derogatory terms and lewd comments when talking about another employee in the presence of other employees. The comments were not directed at the other employees, but they may still find the comments offensive or humiliating.

To avoid Third Party Harassment:

- Do not display sexually suggestive objects or pictures
- Do not post sexually suggestive jokes or pictures on bulletin boards, or send via email or text
- Refrain from making sexually suggestive, derogatory or offensive comments to or about others in the workplace

- Remove other sources of offensive material, such as radio stations playing songs with sexually explicit lyrics or offensive disc jockeys

A good rule of thumb to follow in this regard is that if you have any doubt that what you say, write or post could offend another, don't do it!

## RETALIATION

A final important concept when talking about sexual harassment is retaliation.

**Retaliation occurs when an employee is punished for complaining about sexual harassment, participating in an investigation of sexual harassment, or filing charges about sexual harassment.**

Examples of retaliation may include such adverse employment actions as termination, demotion, ostracism and isolation of the employee, or failure to promote.

It is important for employees to know that they are protected from retaliation by both federal law and agency policies when they file a complaint about sexual harassment.

## AGENCY POLICY

If you believe you are a victim of sexual harassment, you should take action to stop it. Sexual harassment is not tolerated in any agency in the State of Louisiana. Laws and policies are in place to help you deal with and stop harassment and to protect you from retaliation.

If you are being sexually harassed, your first step in dealing with it should be to check your agency policy. Each agency has a sexual harassment policy. Some agencies require you to report harassment directly to the HR office. Some require you to complete a complaint form. Others require you to report up the chain of command, unless your supervisor is the one harassing you.

If you don't know where to find your agency's sexual harassment policy, you can:

- Check the agency website or intranet site
- Check with your agency's HR office
- Check with your supervisor

All agency policies have some general ideas in common, though. Next we will look at the steps most sexual harassment policies will ask you to take to stop harassment.

1. **KNOW YOUR AGENCY'S POLICY.**
2. **TELL THE HARASSER TO STOP.** Ideally, your first step will be to tell the harasser to stop. Sometimes, harassers don't realize that their behavior harasses, intimidates, or upsets you. Telling them will often cause them to reevaluate their behavior and leave you alone.

3. **REPORT HARASSMENT TO YOUR SUPERVISOR.** Sometimes, though, it may not be possible to confront the harasser and tell him or her to stop their behavior. This can happen when employees fear the harasser will do something to retaliate against them for complaining.
  - If you feel you cannot confront your harasser, or you do confront the harasser and the behavior has not stopped, your next step is to report the harassment to your supervisor. Supervisors have an obligation and responsibility to listen to your complaining, and to take it seriously. Depending on agency policy, supervisors may investigate harassment complaints themselves, or may be required to report the harassment to the agency's HR office, where it will be investigated.
  - There is an exception to this step in the process. If it is your supervisor who is harassing you, you will need to report the harassment to someone else. In this case, you can take one of several steps:
    - i. Report harassment to the next up in the chain of command: in other words, report harassment to your supervisor's supervisor.
    - ii. Report harassment directly to your agency's HR Office.
    - iii. Report harassment to another supervisor in your agency—ALL agency supervisors are required to treat harassment complaints seriously and follow agency policies when dealing with them.
4. **COOPERATE FULLY WITH THE INVESTIGATION.** Once a sexual harassment complaint has been filed, there will be an investigation of the complaint. How this investigation is conducted depends on agency policy. No matter how the investigation is conducted, however, you will likely be asked to answer questions in an interview or in writing or both about the harassment. You will be asked questions about:
  - Who harassed you
  - What was the harassing behavior
  - When did the harassment happen
  - How often were you harassed
  - Were there any witnessesSharing information about your harassment experiences may be embarrassing to difficult. Answering these questions fully and honestly, however, will help the investigation reach a fair and timely conclusion. Be prepared for the investigation by remembering dates and locations where harassment happened. Give the investigator names of any witnesses you have who saw or heard the harassment take place.
5. **REPORT ANY RETALIATION.** The last step in dealing with sexual harassment is to be aware of and to report any retaliation. Remember, retaliation occurs when a person is punished for complaining about sexual harassment. **RETALIATION IS ILLEGAL AND WILL NOT BE TOLERATED.** If you have complained about sexual harassment and believe you are being retaliated against, report the retaliation to your HR Office.

## **WITNESS TO HARASSMENT**

If you witness sexual harassment occurring, you have both the right and responsibility to report the harassment. You should follow the same steps as discussed for sexual harassment victims:



1. Know your agency policy.
2. **If appropriate, tell the offending person to stop his/her behavior.**
3. Report the harassment to your supervisor and/or HR Office.
4. Cooperate fully with the investigation.
5. Report any retaliation promptly.

Witnesses are also protected against retaliation for reporting harassment or for participating in an investigation. Witnesses who are retaliated against should report the retaliation to their supervisor or agency HR office immediately.

## **CONFIDENTIALITY**

It is important for all involved in a sexual harassment complaint to know that the complaint will be handled confidentially to the extent possible. In other words, supervisors, HR officers, and any investigators will do all that is possible to maintain confidentiality.

To investigate or process a sexual harassment claim, the people responsible for investigating must be informed, and the accuser and accused, as well as witnesses must be interviewed. The accuser's, accused's, and witnesses' supervisors and perhaps those higher in the chain of command need to know that there is an investigation going on, if only so they know why these employees need to leave the work site for interviews or investigations. And if disciplinary action is involved, the appointing authority will need to be included in the investigation.

Supervisors and others can be expected to maintain confidentiality outside of the investigation however, as should any participants involved in the investigation.

In other words, sexual harassment complaints should NEVER be lunchroom discussion or workplace gossip. It is particularly important for those involved in the investigation to not discuss the investigation with others in the workplace who are not involved in the investigation. Violating confidentiality can have serious consequences on the investigation.

Being the victim or witness of sexual harassment is not a pleasant experience, and participating in an investigation may be embarrassing or even upsetting. If sexual harassment is not reported, however, the State can take no action to stop the harassing behavior.

## **PREVENTION**

The first step in preventing sexual harassment is for a supervisor to know the agency's sexual harassment policy. Supervisors should read the policy and make sure they understand what behavior is specifically prohibited, and what procedures they should follow if they witness sexual harassment or if an employee complains to them about sexual harassment.

In addition to learning the policy themselves, supervisors should educate their employees about sexual harassment in general and their agency's sexual harassment policy. Some best practices include:

- Make sure all employees have received a copy of the policy. A good idea is to have the employees sign that they received the policy and understand it.
- Post a copy of the policy in the lunch room, break room, or some other common area where employees can see it.
- Have a meeting with employees to discuss the sexual harassment policy.
- Train employees about sexual harassment. If training in addition to this class is requested, supervisor's should contact their HR department or the Training and Workforce Development division of State Civil Service.

Your agency's HR department can provide you with other ideas and assistance in this area.

The next step in preventing sexual harassment is to be aware of what is going on in the workplace. Many supervisors are extremely busy, or supervise employees who work at different work sites. It is important to inspect all work areas periodically to be sure that no potential harassing pictures, objects or other items are present. Examples of places to inspect include:

- Conversations—pay attention to and correct those who use profanity, derogatory comments, or sexual innuendos.
- Posters or Displays—remove posters or displays that may be offensive, including pictures depicting sexual activity, people provocatively dressed, images or objects that depict violence or intimidation, and offensive magazines.
- Controversial Programming—be aware of radios or entertainment devices that are too loud, or are playing controversial programming.
- Inappropriate Jokes or Pictures—do not tolerate offensive jokes or pictures being forwarded around the office or work site.

## HANDLING COMPLAINTS

While prevention activities will reduce the changes of sexual harassment occurring in the workspace, supervisors may still receive a sexual harassment complaint. What do supervisors do when they receive a complaint? The answer depends on the agency's policy.

Some agency policies require supervisors to immediately refer the complaint to the agency HR Office. Others may allow supervisors to work with HR to investigate the complaint. Most agency policies include the following best practices supervisors must comply with when they receive a harassment complaint:

- **TAKE IT SERIOUSLY!** Some supervisors have downplayed harassment complaints, thinking that the accuser was overreacting or even fabricating the harassment charges. In most cases, it is not a supervisor's place to determine if a harassment complaint is truthful or not. Keep in mind, that a properly conducted investigation will determine if there was in fact harassment.
- **ACT!** Courts have long held the opinion that once a supervisor knows about harassment, the organization knows, and has an obligation to correct the situation. Failure to act on a

harassment complaint could place a supervisor and his/her agency in legal danger. Supervisors are responsible for:

- Listening without prejudice—supervisors should not dismiss or downplay any harassment complaints.
- Documenting—document what time and date the complaint came in, names of the accused, accuser, and any witnesses.
- Reporting—report the harassment complaint to those designated in the agency's policy—likely the HR Office or the next-in-command.
- LEAD! Do not allow the victim to dictate the response: an employee may complain about sexual harassment but ask the supervisor not to do or say anything. **Supervisors may NOT allow the victim/complainant to dictate how the agency responds to a sexual harassment complaint.** Supervisors should inform the employee that both law and agency policy requires them to act on the complaint. Supervisors should reinforce with the employee that the only way harassment can be stopped is if the agency is aware of it and investigates.
- MAINTAIN CONFIDENTIALITY! As mentioned, supervisors are required to report sexual harassment to the people designated in the agency's policy. Beyond these requirements, however, it is crucial for supervisors to maintain confidentiality to the extent possible. This means that sexual harassment charges should NEVER be discussed with those who have no need to know. Supervisors should also make sure that their own employees are maintaining confidentiality.
- ASSIST! Assist with the investigation, when appropriate. Again, depending on the agency policy, supervisors may have a role in the investigation. If so, they will receive additional training from the agency on how to conduct the investigation. If supervisors are not involved in the investigation, their assistant may include participating in interviews, and allowing others to be interviewed.

It is strictly illegal to retaliate against an employee who has made a sexual harassment. It may be difficult for supervisors to act impartially toward an employee who has filed a sexual harassment complaint against them or another employee, but it is necessary and required by both laws and agency policy. Retaliation complaints and lawsuits are on the rise, accounting for 36% of all court cases the EEOC prosecuted in 2009. It is important to know that an accuser can lose his or her harassment lawsuit and yet win a retaliation lawsuit.

Retaliation takes place when an employee is treated adversely after complaining of harassment. This treatment may include dismissal, demotion, transfer to a worse job, ostracism, poor performance evaluations, and hostility from the supervisor or other employees. Supervisors are obligated to protect complainants from retaliation.

While disciplinary action and poor performance evaluations for those employees who have earned them are possible, the supervisor should be certain they are justified, particularly if the employee has filed a grievance or complaint of sexual harassment. It is crucial that supervisors work closely with their HR officer in these cases.

# LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM

## Interim Policy #

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**Title: EQUAL OPPORTUNITY, HARASSMENT, AND NONDISCRIMINATION**

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Authority: OCR: 2020 Title IX Regulations (34 C.F.R. Part 106)

Original Adoption: 8/14/2020

Effective Date: 8/14/2020

Last Revision: 8/14/2020

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*These policies and procedures are implemented on an interim basis for renewable six-month intervals. Should a court strike down, either temporarily or permanently, any terms or provisions of these policies and procedures, the LCTCS or specific LCTCS member college reserves the right to make immediate modifications to the policies and procedures that take effect upon publication on our website. Further, should any court strike any portion of the 2020 Title IX Regulations (34 C.F.R. Part 106), or should an administration order them suspended or withdrawn, the LCTCS or specific LCTCS member college reserves the right to withdraw these interim policies and procedures and immediately reinstate previous policies and/or procedures or revise them accordingly.*

The Louisiana Community and Technical College System (LCTCS) is committed to maintaining an environment free from any type of discrimination, harassment, and retaliation. This policy prohibits discrimination, harassment and retaliation of any kind by or against any applicant, employee, student, or any other individual on the basis of race, creed, color, marital status, sexual orientation, gender, gender identity, gender expression, genetic information, religion, national origin, age, mental or physical disability, veteran status and/or any other basis protected by federal or state law. LCTCS also prohibits retaliation against any individual who reports discrimination or harassment, or who participates in an investigation into discrimination or harassment.

This policy applies to all members of the LCTCS Board of Supervisors, classified and unclassified employees, faculty, vendors, and all other individuals doing business with LCTCS. It is the policy of LCTCS that no member of the LCTCS community may discriminate, harass, or retaliate against another. Additionally, under appropriate circumstances, LCTCS may take action to protect its employees from harassment, on LCTCS property or at LCTCS sponsored events, by individuals who are not employees of LCTCS.

## **POLICY: Equal Opportunity, Harassment, and Nondiscrimination**

### **1. Glossary**

- *Advisor* means a person chosen by a party or appointed by the institution to accompany the party to meetings related to the resolution process, to advise the party on that process, and to conduct cross-examination for the party at the hearing, if any.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Complaint (formal)* means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment or discrimination based on a protected class or retaliation for engaging in a protected activity against a Respondent and requesting that the LCTCS or specific LCTCS member college investigate the allegation.
- *Confidential Resource* means an employee who is not a Mandated Reporter of notice of harassment, discrimination, and/or retaliation (irrespective of Clery Act Campus Security Authority status).
- *Day* means a business day when the LCTCS or specific LCTCS member college is in normal operation.
- *Education program or activity* means locations, events, or circumstances where LCTCS or specific LCTCS member college exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs and also includes any building owned or controlled by a student organization that is officially recognized by the LCTCS or specific LCTCS member college.
- *Final Determination*: A conclusion by preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
- *Finding*: A conclusion by preponderance of the evidence that the conduct did or did not occur as alleged.
- *Formal Grievance Process* means "Process A," a method of formal resolution designated by the LCTCS or specific LCTCS member college to address conduct that falls within the policies included below, and which complies with the requirements of 34 CFR Part 106.45.

- *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- *Hearing Decision-maker or Panel* refers to those who have decision-making and sanctioning authority within the LCTCS or specific LCTCS member college's Formal Grievance process.
- *Investigator* means the person or persons charged by a LCTCS or specific LCTCS member college with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- *Mandated Reporter* means an employee of the LCTCS or specific LCTCS member college who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- *Official with Authority (OWA)* means an employee of the LCTCS or specific LCTCS member college explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the LCTCS or specific LCTCS member college.
- *Parties* include the Complainant(s) and Respondent(s), collectively.
- *Process A* means the Formal Grievance Process detailed in the Process A addendum.
- *Process B* means the informal alternative resolution procedures detailed in Process B addendum.
- *LCTCS or specific LCTCS member college* means a postsecondary education program that is a LCTCS or specific LCTCS member college of federal funding.
- *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the LCTCS or specific LCTCS member college's educational program.

- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- *Resolution* means the result of an informal or Formal Grievance Process.
- *Sanction* means a consequence imposed by the LCTCS or specific LCTCS member college on a Respondent who is found to have violated this policy.
- *Sexual Harassment* is the umbrella category including the offenses of sexual harassment, sexual assault, stalking, and dating violence and domestic violence. [See Section 17.b.](#), for greater detail.
- *Title IX Coordinator* is at least one official designated by the LCTCS or specific LCTCS member college to ensure compliance with Title IX and the LCTCS or specific LCTCS member college's Title IX program. References to the Coordinator throughout this policy may also encompass a designee of the Coordinator for specific tasks.
- *Title IX Team* refers to the Title IX Coordinator, any deputy coordinators, and any member of the Grievance Process Pool.

## **2. Rationale for Policy**

LCTCS or specific LCTCS member college is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that are free from discrimination, harassment, and retaliation. To ensure compliance with federal and state civil rights laws and regulations, and to affirm its commitment to promoting the goals of fairness and equity in all aspects of the educational program or activity, LCTCS or specific LCTCS member college has developed internal policies and procedures that provide a prompt, fair, and impartial process for those involved in an allegation of discrimination or harassment on the basis of protected class status, and for allegations of retaliation. LCTCS or specific LCTCS member college values and upholds the equal dignity of all members of its community and strives to balance the rights of the parties in the grievance process during what is often a difficult time for all those involved.

## **3. Applicable Scope**

The core purpose of this policy is the prohibition of all forms of discrimination. Sometimes, discrimination involves exclusion from activities, such as admission, athletics, or employment. Other times, discrimination takes the form of harassment or, in the case of sex-based discrimination, can encompass sexual harassment, sexual assault, stalking, sexual exploitation, dating violence or domestic violence. When an alleged violation of this anti-discrimination policy is

reported, the allegations are subject to resolution using LCTCS or specific LCTCS member college's "Process A" or "Process B," as determined by the Title IX Coordinator, and as detailed in the process addendum.

When the Respondent is a member of the LCTCS or specific LCTCS member college community, a grievance process may be available regardless of the status of the Complainant, who may or may not be a member of the LCTCS or specific LCTCS member college community. This community includes, but is not limited to, students,<sup>1</sup> student organizations, faculty, administrators, staff, and third parties such as guests, visitors, volunteers, invitees, and campers. The procedures below may be applied to incidents, to patterns, and/or to the campus climate, all of which may be addressed and investigated in accordance with this policy.

#### **4. Title IX Coordinator**

The Title IX Coordinator oversees the LCTCS or specific LCTCS member college's policy on equal opportunity, harassment, and nondiscrimination and may oversee implementation of the LCTCS or specific LCTCS member college's Affirmative Action and Equal Opportunity plan. The Title IX Coordinator has the primary responsibility for coordinating LCTCS or specific LCTCS member college's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this policy.

#### **5. Independence and Conflict-of-Interest**

The Title IX Coordinator manages the Title IX Team and acts with independence and authority free from bias and conflicts of interest. The Title IX Coordinator oversees all resolutions under this policy and these procedures. The members of the Title IX Team are vetted and trained to ensure they are not biased for or against any party in a specific case, or for or against Complainants and/or Respondents, generally.

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact the LCTCS or specific LCTCS member college President or Chancellor or designee. Concerns of bias or a potential conflict of interest by any other Title IX Team member should be raised with the Title IX Coordinator.

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<sup>1</sup> For the purpose of this policy, the LCTCS or any LCTCS member college defines "student" as any individual who has accepted an offer of admission, or who is registered or enrolled for credit or non-credit bearing coursework, and who maintains an ongoing relationship with the LCTCS or any LCTCS member college.



Reports of misconduct or discrimination committed by the Title IX Coordinator should be reported to the LCTCS or specific LCTCS member college President or Chancellor or designee. Reports of misconduct or discrimination committed by any other Title IX Team member should be reported to the Title IX Coordinator.

## **6. Administrative Contact Information**

Complaints or notice of alleged policy violations, or inquiries about or concerns regarding this policy and procedures, may be made internally to the institution's Title IX Coordinator, or to:

**LCTCS Chief Human Resources and Development Officer  
Louisiana Community and Technical College System  
265 South Foster Drive Baton Rouge, Louisiana 70806  
Phone Number: 225-922-2800**

LCTCS or specific LCTCS member college has determined that the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. In addition to the Title IX Team members, these Officials with Authority listed below may also accept notice or complaints on behalf of the LCTCS or specific LCTCS member college.

- System Presidents
- College Chancellors
- Executive Councils/Cabinets
- Vice Chancellors
- Deans
- Others as deemed necessary by the institution

LCTCS or specific LCTCS member college has also classified all employees as Mandated Reporters of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. The section below on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries may be made externally to:

Office for Civil Rights (OCR)  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202-1100  
Customer Service Hotline #: (800) 421-3481  
Facsimile: (202) 453-6012  
TDD#: (877) 521-2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)

Web: <http://www.ed.gov/ocr>

For complaints involving employees: [Equal Employment Opportunity Commission](#) (EEOC) <sup>2</sup>

## **7. Notice/Complaints of Discrimination, Harassment, and/or Retaliation**

Notice or complaints of discrimination, harassment, and/or retaliation may be made using any of the following options:

1) File a complaint with, or give verbal notice to, the Title IX Coordinator, Deputy Title IX Coordinators, or Officials with Authority. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator or any other official listed.

[2] Report online, using the institution's reporting form. Anonymous reports are accepted but can give rise to a need to investigate. The LCTCS or specific LCTCS member college tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because reporting carries no obligation to initiate a formal response, and as the LCTCS or specific LCTCS member college respects Complainant requests to dismiss complaints unless there is a compelling threat to health and/or safety, the Complainant is largely in control and should not fear a loss of privacy by making a report that allows the LCTCS or specific LCTCS member college to discuss and/or provide supportive measures.

A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent and requesting that the LCTCS or specific LCTCS member college investigate the allegation(s). A complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the LCTCS or specific LCTCS member college) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint.

If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

## **8. Supportive Measures**

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<sup>2</sup> EEOC has jurisdiction over Title IX employment claims. Please consult: <http://www.eeoc.gov/field/index.cfm> to locate your local office's contact info.

LCTCS or specific LCTCS member college will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged harassment, discrimination, and/or retaliation.

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the LCTCS or specific LCTCS member college's education program or activity, including measures designed to protect the safety of all parties or the LCTCS or specific LCTCS member college's educational environment, and/or deter harassment, discrimination, and/or retaliation.

The Title IX Coordinator promptly makes supportive measures available to the parties upon receiving notice or a complaint. At the time that supportive measures are offered, the LCTCS or specific LCTCS member college will inform the Complainant, in writing, that they may file a formal complaint with the LCTCS or specific LCTCS member college either at that time or in the future, if they have not done so already. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The LCTCS or specific LCTCS member college will maintain the privacy of the supportive measures, provided that privacy does not impair the LCTCS or specific LCTCS member college's ability to provide the supportive measures. LCTCS or specific LCTCS member college will act to ensure as minimal an academic impact on the parties as possible. The LCTCS or specific LCTCS member college will implement measures in a way that does not unreasonably burden the other party.

These actions may include, but are not limited to:

- Referral to counseling, medical, and/or other healthcare services
- Referral to the Employee Assistance Program
- Referral to community-based service providers
- Visa and immigration assistance
- Student financial aid counseling
- Education to the community or community subgroup(s)
- Altering campus housing assignment(s)
- Altering work arrangements for employees or student-employees
- Safety planning
- Providing campus safety escorts
- Providing transportation accommodations
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments

- Trespass, Persona Non Grata (PNG), or Be-On-the-Lookout (BOLO) orders
- [Timely warnings](#)
- Class schedule modifications, withdrawals, or leaves of absence
- Increased security and monitoring of certain areas of the campus
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

## **9. Emergency Removal**

The LCTCS or specific LCTCS member college can act to remove a Respondent entirely or partially from its education program or activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical health or safety of any student or other individual justifies removal. This risk analysis is performed in conjunction with the Behavioral Intervention Team using its standard objective violence risk assessment procedures.

In all cases in which an emergency removal is imposed, the student or employee will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified.

This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The LCTCS or specific LCTCS member college will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX

Coordinator, these actions could include, but are not limited to: removing a student from a specific class section, temporarily re-assigning an employee, restricting a student's or employee's access to or use of facilities or equipment, allowing a student to withdraw or take grades of incomplete without financial penalty, authorizing an administrative leave, and suspending a student's participation in extracurricular activities, student employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

## **10. Promptness**

All allegations are acted upon promptly by LCTCS or specific LCTCS member college once it has received notice of a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the LCTCS or specific LCTCS member college will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in LCTCS or specific LCTCS member college procedures will be delayed, LCTCS or specific LCTCS member college will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

## **11. Privacy**

Every effort is made by the LCTCS or specific LCTCS member college to preserve the privacy of reports.<sup>3</sup> LCTCS or specific LCTCS member college will not share the identity of any individual who

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<sup>3</sup> For the purpose of this policy, privacy and confidentiality have distinct meanings. **Privacy** means that information related to a complaint will be shared with a limited number of LCTCS or any LCTCS member college employees who "need to know" in order to assist in the assessment, investigation, and resolution of the report. All employees who are involved in the LCTCS or any LCTCS member college's response to notice under this policy receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law. The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act ("FERPA"), as outlined in the LCTCS or any LCTCS member college's FERPA policy. The privacy of employee records will be protected in accordance with Human Resources policies. **Confidentiality** exists in the context of laws that protect certain relationships, including those who provide services related to medical and clinical care, mental health providers, counselors, and ordained clergy. The law creates a privilege between certain health care providers, mental health care providers, attorneys, clergy, spouses, and others, with their patients, clients, parishioners, and spouses. The LCTCS or any LCTCS member college has designated individuals who have the ability to have privileged communications as Confidential Resources. For more information about Confidential Resources, see page 26.

has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The LCTCS or specific LCTCS member college reserves the right to designate which LCTCS or specific LCTCS member college officials have a legitimate educational interest in being informed about incidents that fall within this policy, pursuant to the Family Educational Rights and Privacy Act (FERPA).

Only a small group of officials who need to know will typically be told about the complaint, including but not limited to: Division of Student Affairs, Integrity and Compliance Office, LCTCS or specific LCTCS member college Police, and the Threat Assessment Team. Information will be shared as necessary with Investigators, Hearing Panel members/Decision-makers, witnesses, and the parties. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' rights and privacy.

The LCTCS or specific LCTCS member college may contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk, but will usually consult with the student first before doing so.

Confidentiality and mandated reporting are addressed more specifically [below](#).

## **12. Jurisdiction of the LCTCS or specific LCTCS member college**

This policy applies to the education program and activities of the LCTCS or specific LCTCS member college, to conduct that takes place on the campus or on property owned or controlled by the LCTCS or specific LCTCS member college, at LCTCS or specific LCTCS member college-sponsored events, or in buildings owned or controlled by LCTCS or specific LCTCS member college's recognized

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When information is shared by a Complainant with a Confidential Resource, the Confidential Resource cannot reveal the information to any third party except when an applicable law or a court order requires or permits disclosure of such information. For example, information may be disclosed when: (i) the individual gives written consent for its disclosure; (ii) there is a concern that the individual will likely cause serious physical harm to self or others; or (iii) the information concerns conduct involving suspected abuse or neglect of a minor under the age of 18, elders, or individuals with disabilities. Non-identifiable information may be shared by Confidential Resources for statistical tracking purposes as required by the federal Clery Act. Other information may be shared as required by law.

student organizations. The Respondent must be a member of LCTCS or specific LCTCS member college's community in order for its policies to apply.

This policy can also be applicable to the effects of off-campus misconduct that effectively deprive someone of access to LCTCS or specific LCTCS member college's educational program. The LCTCS or specific LCTCS member college may also extend jurisdiction to off-campus and/or to online conduct when the Title IX Coordinator determines that the conduct affects a substantial LCTCS or specific LCTCS member college interest.

Regardless of where the conduct occurred, the LCTCS or specific LCTCS member college will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial LCTCS or specific LCTCS member college interest includes:

- a. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- b. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- c. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- d. Any situation that is detrimental to the educational interests or mission of the LCTCS or specific LCTCS member college.

If the Respondent is unknown or is not a member of the LCTCS or specific LCTCS member college community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report.

Further, even when the Respondent is not a member of the LCTCS or specific LCTCS member college's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator.

In addition, the LCTCS or specific LCTCS member college may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from LCTCS or specific LCTCS member college property and/or events.

All vendors serving the LCTCS or specific LCTCS member college through third-party contracts are subject to the policies and procedures of their employers or to these policies and procedures to which their employer has agreed to be bound by their contracts.

When the Respondent is enrolled in or employed by another institution, the Title IX Coordinator can assist the Complainant in liaising with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies.

Similarly, the Title IX Coordinator may be able to advocate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the LCTCS or specific LCTCS member college where sexual harassment or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

### **13. Time Limits on Reporting**

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the LCTCS or specific LCTCS member college's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When notice/complaint is affected by significant time delay, the LCTCS or specific LCTCS member college will typically apply the policy in place at the time of the alleged misconduct and the procedures in place at the time of notice/complaint.

### **14. Online Harassment and Misconduct**

The policies of LCTCS or specific LCTCS member college are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in or have an effect on the LCTCS or specific LCTCS member college's education program and activities or use LCTCS or specific LCTCS member college networks, technology, or equipment.

While LCTCS or specific LCTCS member college may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to LCTCS or specific LCTCS member college, it will engage in a variety of means to address and mitigate the effects.



Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via Snaps or other social media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the LCTCS or specific LCTCS member college community.

Any online postings or other electronic communication by students, including cyber-bullying, cyber-stalking, cyber-harassment, etc., occurring completely outside of the LCTCS or specific LCTCS member college's control (e.g., not on LCTCS or specific LCTCS member college networks, websites, or between LCTCS or specific LCTCS member college email accounts) will only be subject to this policy when such online conduct can be shown to cause a substantial in-program disruption.

Otherwise, such communications are considered speech protected by the First Amendment. Supportive measures for Complainants will be provided, but protected speech cannot legally be subjected to discipline.

Off-campus harassing speech by employees, whether online or in person, may be regulated by the LCTCS or specific LCTCS member college only when such speech is made in an employee's official or work-related capacity (See [LCTCS Policy 6.042](#) on Social Media Use).

### **15. Policy on Nondiscrimination**

LCTCS or specific LCTCS member college adheres to all federal and state civil rights laws and regulations prohibiting discrimination in public institutions of higher education.

LCTCS or specific LCTCS member college does not discriminate against any employee, applicant for employment, student, or applicant for admission on the basis of:

- Race,
- Religion,
- Hearing status,
- Personal appearance,
- Color,
- Sex,
- Pregnancy,
- Political affiliation,
- Source of income,
- Place of business,
- Residence,
- Religion,

- Creed,
- Ethnicity,
- National origin (including ancestry),
- Citizenship status,
- Physical or mental disability (including perceived disability),
- Age,
- Marital status,
- Family responsibilities,
- Sexual orientation,
- Gender identity,
- Gender expression,
- Veteran or military status (including disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, and Armed Forces Service Medal veteran),
- Predisposing genetic characteristics,
- Domestic violence victim status,
- Height,
- Weight]
- or any other protected category under applicable local, state, or federal law, including protections for those opposing discrimination or participating in any grievance process on campus, with the Equal Employment Opportunity Commission, or other human rights agencies.

This policy covers nondiscrimination in both employment and access to educational opportunities. Therefore, any member of the LCTCS or specific LCTCS member college community whose acts deny, deprive, or limit the educational or employment access, benefits, and/or opportunities of any member of the LCTCS or specific LCTCS member college community, guest, or visitor on the basis of that person's actual or perceived membership in the protected classes listed above is in violation of the LCTCS or specific LCTCS member college policy on nondiscrimination.

When brought to the attention of the LCTCS or specific LCTCS member college, any such discrimination will be promptly and fairly addressed and remedied by the LCTCS or specific LCTCS member college according to the grievance process described below.

#### **16. Policy on Disability Discrimination and Accommodation**

LCTCS or specific LCTCS member college is committed to full compliance with the Americans With Disabilities Act of 1990 (ADA), as amended, and Section 504 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified persons with disabilities, as well as other federal and state laws and regulations pertaining to individuals with disabilities.

Under the ADA and its amendments, a person has a disability if they have a physical or mental impairment that substantially limits a major life activity.

The ADA also protects individuals who have a record of a substantially limiting impairment or who are regarded as disabled by the LCTCS or specific LCTCS member college, regardless of whether they currently have a disability. A substantial impairment is one that significantly limits or restricts a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, or caring for oneself.

The LCTCS or specific LCTCS member college's ADA/504 Coordinator is responsible for overseeing efforts to comply with these disability laws, including responding to grievances and conducting investigations of any allegation of noncompliance or discrimination based on disability.

Grievances related to disability status and/or accommodations will be addressed using the procedures below. For details relating to disability accommodations in the LCTCS or specific LCTCS member college's resolution process, see page [LCTCS Policy 6.023 on Americans With Disabilities Act: Employees and Students](#).

#### **a. Students with Disabilities**

LCTCS or specific LCTCS member college is committed to providing qualified students with disabilities with reasonable accommodations and support needed to ensure equal access to the academic programs, facilities, and activities of the LCTCS or specific LCTCS member college.

All accommodations are made on an individualized basis. A student requesting any accommodation should first contact the Director of Disability/Access Services, who coordinates services for students with disabilities.

The Director of Disability/Access Services reviews documentation provided by the student and, in consultation with the student, determines which accommodations are appropriate for the student's particular needs and academic program(s).

#### **b. Employees with Disabilities**

Pursuant to the ADA, LCTCS or specific LCTCS member college will provide reasonable accommodation(s) to all qualified employees with known disabilities when their disability affects the performance of their essential job functions, except when doing so would be unduly disruptive or would result in undue hardship to the LCTCS or specific LCTCS member college.

An employee with a disability is responsible for submitting a request for an accommodation to the ADA/504 Coordinator and providing necessary documentation. The ADA/504 Coordinator will work with the employee's supervisor to identify which essential functions of the position are affected by the employee's disability and what reasonable accommodations could enable the employee to perform those duties.

## **17. Policy on Discriminatory Harassment**

Students, staff, administrators, and faculty are entitled to an employment and educational environment that is free of discriminatory harassment. LCTCS or specific LCTCS member college's harassment policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include germane but controversial or sensitive subject matters protected by academic freedom.

The sections below describe the specific forms of legally prohibited harassment that are also prohibited under LCTCS or specific LCTCS member college policy. When speech or conduct is protected by academic freedom and/or the First Amendment, it will not be considered a violation of LCTCS or specific LCTCS member college policy, though supportive measures will be offered to those impacted.

### **a. Discriminatory Harassment**

Discriminatory harassment constitutes a form of discrimination that is prohibited by LCTCS or specific LCTCS member college policy. Discriminatory harassment is defined as unwelcome conduct by any member or group of the community on the basis of actual or perceived membership in a class protected by policy or law.

LCTCS or specific LCTCS member college does not tolerate discriminatory harassment of any employee, student, visitor, or guest. LCTCS or specific LCTCS member college will act to remedy all forms of harassment when reported, whether or not the harassment rises to the level of creating a "hostile environment."

A hostile environment is one that unreasonably interferes with, limits, or effectively denies an individual's educational or employment access, benefits, or opportunities.<sup>4</sup> This discriminatory effect results from harassing verbal, written, graphic, or physical conduct that is severe or pervasive **and** objectively offensive.

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<sup>4</sup> This definition of hostile environment is based on Federal Register / Vol. 59, No. 47 / Thursday, March 10, 1994: [Department of Education Office for Civil Rights, Racial Incidents and Harassment Against Students At Educational LCTCS or any LCTCS member colleges Investigative Guidance.](#)

When discriminatory harassment rises to the level of creating a hostile environment, LCTCS or specific LCTCS member college may also impose sanctions on the Respondent through application of the grievance process below.

The LCTCS or specific LCTCS member college reserves the right to address offensive conduct and/or harassment that 1) does not rise to the level of creating a hostile environment, or 2) that is of a generic nature and not based on a protected status. Addressing such conduct will not result in the imposition of discipline under LCTCS or specific LCTCS member college policy, but may be addressed through respectful conversation, remedial actions, education, effective Alternate Resolution, and/or other informal resolution mechanisms.

For assistance with Alternate Resolution and other informal resolution techniques and approaches, employees should contact the Director of Human Resources, and students should contact the Director of Student Conduct.

## **b. Sexual Harassment**

The Department of Education's Office for Civil Rights (OCR), the Equal Employment Opportunity Commission (EEOC), and the State of Louisiana regard Sexual Harassment, a specific form of discriminatory harassment, as an unlawful discriminatory practice.

LCTCS or specific LCTCS member college has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses of sexual harassment, sexual assault, domestic violence, dating violence, and stalking, and is defined as:

Conduct on the basis of sex that satisfies one or more of the following:

- 1) Quid Pro Quo:
  - a. an employee of the LCTCS or specific LCTCS member college,
  - b. conditions the provision of an aid, benefit, or service of the LCTCS or specific LCTCS member college,
  - c. on an individual's participation in unwelcome sexual conduct; and/or
- 2) Sexual Harassment:
  - a. unwelcome conduct,
  - b. determined by a reasonable person,
  - c. to be so severe, and

- d. pervasive, and,
- e. objectively offensive,
- f. that it effectively denies a person equal access to the LCTCS or specific LCTCS member college's education program or activity.<sup>5</sup>

3) Sexual assault, defined as:

- a) Sex Offenses, Forcible:
  - i) Any sexual act directed against another person,
  - ii) without the consent of the Complainant,
  - iii) including instances in which the Complainant is incapable of giving consent.
- b) Forcible Rape:
  - i) Penetration,
  - ii) no matter how slight,
  - iii) of private body parts with any body part or object, or
  - iv) oral penetration by a sex organ of another person,
  - v) without the consent of the Complainant.
- c) Forcible Sodomy:
  - i) Oral or anal sexual intercourse with another person,
  - ii) forcibly,
  - iii) and/or against that person's will (non-consensually), or
  - iv) not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age<sup>6</sup> or because of temporary or permanent mental or physical incapacity.
- d) Sexual Assault with an Object:
  - i) The use of an object or instrument to penetrate,
  - ii) however slightly,
  - iii) the genital or anal opening of the body of another person,
  - iv) forcibly,
  - v) and/or against that person's will (non-consensually),
  - vi) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- e) Forcible Fondling:
  - i) The touching of the private body parts of another person,

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<sup>5</sup> Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances ("in the shoes of the Complainant"), including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

<sup>6</sup> Per state law.

- ii) for the purpose of sexual gratification,
    - iii) forcibly,
    - iv) and/or against that person's will (non-consensually),
    - v) or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - f) Sex Offenses, Non-forcible:
    - i) Incest:
      - 1) Non-forcible sexual intercourse,
      - 2) between persons who are related to each other,
      - 3) within the degrees wherein marriage is prohibited by Louisiana law.
    - ii) Statutory Rape:
      - 1) Non-forcible sexual intercourse,
      - 2) with a person who is under the statutory age of consent of 17 in Louisiana.
- 4) Dating Violence, defined as:
- a. violence,
  - b. on the basis of sex,
  - c. committed by a person,
  - d. who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
    - i. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - ii. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - iii. Dating violence does not include acts covered under the definition of domestic violence.
- 5) Domestic Violence, defined as:
- a. violence,
  - b. on the basis of sex,
  - c. committed by a current or former spouse or intimate partner of the Complainant,
  - d. by a person with whom the Complainant shares a child in common, or
  - e. by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or

- f. by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Louisiana or
- g. by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Louisiana.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

6) Stalking, defined as:

- a. engaging in a course of conduct,
- b. on the basis of sex,
- c. directed at a specific person, that
  - i. would cause a reasonable person to fear for the person's safety, or
  - ii. the safety of others; or
  - iii. Suffer substantial emotional distress.

For the purposes of this definition—

- (i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

See [LCTCS Policy 6.008 on Consensual Relationships](#).

LCTCS or specific LCTCS member college reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

**c. Force, Coercion, Consent, and Incapacitation**

As used in the offenses above, the following definitions and understandings apply:

**Force:** Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome



resistance or produce consent (e.g., “Have sex with me or I’ll hit you,” “Okay, don’t hit me, I’ll do what you want.”).

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

**Coercion:** Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

**Consent is:**

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in sexual activity.

Since individuals may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in the activity.

If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction or thereafter, but clear communication from the outset is strongly encouraged.

For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain *their* consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. If consent is withdrawn, that sexual activity should cease within a reasonable time.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the LCTCS or specific LCTCS member college to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

**Incapacitation:** A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

It is a defense to a sexual assault policy violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

#### **d. Other Civil Rights Offenses**

In addition to the forms of sexual harassment described above, which fall within the coverage of Title IX, the LCTCS or specific LCTCS member college additionally prohibits the following offenses as forms of discrimination outside of Title IX when the act is based upon the Complainant’s actual or perceived membership in a protected class.

- Sexual Exploitation, defined as: taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of Sexual Exploitation include, but are not limited to:

- Sexual voyeurism (such as observing or allowing others to observe a person undressing or using the bathroom or engaging in sexual acts, without the consent of the person being observed)
  - Invasion of sexual privacy.
  - Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent), including the making or posting of revenge pornography
  - Prostituting another person
  - Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
  - Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
  - Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual connections
  - Forcing a person to take an action against that person's will by threatening to show, post, or share information, video, audio, or an image that depicts the person's nudity or sexual activity
  - Knowingly soliciting a minor for sexual activity
  - Engaging in sex trafficking
  - Creation, possession, or dissemination of child pornography
- Threatening or causing physical harm, extreme verbal, emotional, or psychological abuse, or other conduct which threatens or endangers the health or safety of any person;
  - Discrimination, defined as actions that deprive, limit, or deny other members of the community of educational or employment access, benefits, or opportunities;
  - Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
  - Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the LCTCS or specific LCTCS member college community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (See [LCTCS Policy 2.003 Campus Safety and Hazing](#));

- Bullying, defined as:
  - Repeated and/or severe
  - Aggressive behavior
  - Likely to intimidate or intentionally hurt, control, or diminish another person, physically and/or mentally
  - That is not speech or conduct otherwise protected by the First Amendment.

Violation of any other LCTCS or specific LCTCS member college policies may constitute a Civil Rights Offense when a violation is motivated by actual or perceived membership in a protected class, and the result is a discriminatory limitation or denial of employment or educational access, benefits, or opportunities.

Sanctions for the above-listed Civil Rights Offenses range from reprimand through expulsion/termination.

### **18. Retaliation**

Protected activity under this policy includes reporting an incident that may implicate this policy, participating in the grievance process, supporting a Complainant or Respondent, assisting in providing information relevant to an investigation, and/or acting in good faith to oppose conduct that constitutes a violation of this Policy.

Acts of alleged retaliation should be reported immediately to the Title IX Coordinator and will be promptly investigated. LCTCS or specific LCTCS member college is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

It is prohibited for LCTCS or specific LCTCS member college or any member of LCTCS or specific LCTCS member college's community to take materially adverse action by intimidating, threatening, coercing, harassing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by law or policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy and procedure.

Charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

The exercise of rights protected under the First Amendment does not constitute retaliation.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy and procedure does not constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

## **19. Mandated Reporting**

All LCTCS or specific LCTCS member college employees (faculty, staff, administrators) are expected to report actual or suspected discrimination or harassment to appropriate officials immediately, though there are some limited exceptions.

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality and are not required to report actual or suspected discrimination or harassment. They may offer options and resources without any obligation to inform an outside agency or campus official unless a Complainant has requested the information be shared.

If a Complainant expects formal action in response to their allegations, reporting to any Mandated Reporter can connect them with resources to report crimes and/or policy violations, and these employees will immediately pass reports to the Title IX Coordinator (and/or police, if desired by the Complainant), who will take action when an incident is reported to them.

The following sections describe the reporting options at LCTCS or specific LCTCS member college for a Complainant or third-party (including parents/guardians when appropriate):

### **a. Confidential Resources**

If a Complainant would like the details of an incident to be kept confidential, the Complainant may speak with:

- On-campus licensed professional counselors and staff]
- On-campus health service providers and staff
- On-campus Victim Advocates
- On-campus members of the clergy/chaplains working within the scope of their licensure or ordination
- Off-campus (non-employees):
  - Licensed professional counselors and other medical providers
  - Local rape crisis counselors
  - Domestic violence resources
  - Local or state assistance agencies
  - Clergy/Chaplains
  - Attorneys

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or abuse of a minor/elder/individual with a disability, or when required to disclose by law or court order.

Campus counselors and/or the Employee Assistance Program are available to help free of charge and may be consulted on an emergency basis during normal business hours.

LCTCS or specific LCTCS member college employees who are confidential will timely submit anonymous statistical information for Clery Act purposes unless they believe it would be harmful to their client.

#### **b. Anonymous Notice to Mandated Reporters**

At the request of a Complainant, notice may be given by a Mandated Reporter to the Title IX Coordinator anonymously, without identification of the Complainant. The Mandated Reporter cannot remain anonymous themselves.

If a Complainant has requested that a Mandated Reporter maintain the Complainant's anonymity, the Mandated Reporter may do so unless it is reasonable to believe that a compelling threat to health or safety could exist. The Mandated Reporter can consult with the Title IX Coordinator on that assessment without revealing personally identifiable information.

Anonymous notice will be investigated by the LCTCS or specific LCTCS member college to the extent possible, both to assess the underlying allegation(s) and to determine if supportive measures or remedies can be provided.

However, anonymous notice typically limits the LCTCS or specific LCTCS member college's ability to investigate, respond, and provide remedies, depending on what information is shared.

When a Complainant has made a request for anonymity, the Complainant's personally identifiable information may be withheld by a Mandated Reporter, but all other details must be shared with the Title IX Coordinator. Mandated reporters may not be able to maintain requests for anonymity for Complainants who are minors, elderly, and/or disabled, depending on state reporting of abuse requirements.

#### **c. Mandated Reporters and Formal Notice/Complaints**

All employees of the LCTCS or specific LCTCS member college (including student employees), with the exception of those who are designated as Confidential Resources, are Mandated Reporters and

must promptly share with the Title IX Coordinator all known details of a report made to them in the course of their employment.

Employees must also promptly share all details of behaviors under this policy that they observe or have knowledge of, even if not reported to them by a Complainant or third-party.

Complainants may want to carefully consider whether they share personally identifiable details with non-confidential Mandated Reporters, as those details must be shared with the Title IX Coordinator.

Generally, disclosures in climate surveys, classroom writing assignments or discussions, human subjects research, or at events such as “Take Back the Night” marches or speak-outs do not provide notice that must be reported to the Coordinator by employees, unless the Complainant clearly indicates that they desire a report to be made or a seek a specific response from the LCTCS or specific LCTCS member college.

Supportive measures may be offered as the result of such disclosures without formal LCTCS or specific LCTCS member college action.

Failure of a Mandated Reporter, as described above in this section, to report an incident of harassment or discrimination of which they become aware is a violation of LCTCS or specific LCTCS member college policy and can be subject to disciplinary action for failure to comply.

Finally, it is important to clarify that a Mandated Reporter who is themselves a target of harassment or other misconduct under this policy is not required to report their own experience, though they are, of course, encouraged to do so.

## **20. When a Complainant Does Not Wish to Proceed**

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal complaint to be pursued, they may make such a request to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the LCTCS or specific LCTCS member college proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to initiate a grievance process upon completion of an appropriate violence risk assessment.

The Title IX Coordinator's decision should be based on results of the violence risk assessment that show a compelling risk to health and/or safety that requires the LCTCS or specific LCTCS member college to pursue formal action to protect the community.

A compelling risk to health and/or safety may result from evidence of patterns of misconduct, predatory conduct, threats, abuse of minors, use of weapons, and/or violence. LCTCS or specific LCTCS member colleges may be compelled to act on alleged employee misconduct irrespective of a Complainant's wishes.

The Title IX Coordinator must also consider the effect that non-participation by the Complainant may have on the availability of evidence and the LCTCS or specific LCTCS member college's ability to pursue a Formal Grievance Process fairly and effectively.

When the Title IX Coordinator executes the written complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy.

When the LCTCS or specific LCTCS member college proceeds, the Complainant (or their Advisor) may have as much or as little involvement in the process as they wish. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation. Typically, when the Complainant chooses not to participate, the Advisor may be appointed as proxy for the Complainant throughout the process, acting to ensure and protect the rights of the Complainant.

Note that the LCTCS or specific LCTCS member college's ability to remedy and respond to notice may be limited if the Complainant does not want the LCTCS or specific LCTCS member college to proceed with an investigation and/or grievance process. The goal is to provide the Complainant with as much control over the process as possible, while balancing the LCTCS or specific LCTCS member college's obligation to protect its community.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the LCTCS or specific LCTCS member college to honor that request, the LCTCS or specific LCTCS member college will offer informal resolution options (see below), supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action.

If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a formal complaint, a Complainant has the right, and can expect, to have allegations taken seriously by LCTCS or specific LCTCS member college, and to have the incidents investigated and properly resolved through these procedures.

## **21. Federal Timely Warning Obligations**



Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, LCTCS or specific LCTCS member college must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The LCTCS or specific LCTCS member college will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

## **22. False Allegations and Evidence**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under LCTCS or specific LCTCS member college policy.

## **23. Amnesty for Complainants and Witnesses**

The LCTCS or specific LCTCS member college community encourages the reporting of misconduct and crimes by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to LCTCS or specific LCTCS member college officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs at the time of the incident. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the LCTCS or specific LCTCS member college community that Complainants choose to report misconduct to LCTCS or specific LCTCS member college officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, LCTCS or specific LCTCS member college maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty does not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty to a Respondent is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive

discipline system, and the rationale for amnesty – the incentive to report serious misconduct – is rarely applicable to Respondent with respect to a Complainant.

**Students:** Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to the Title IX Coordinator or Campus Police).

The LCTCS or specific LCTCS member college maintains a policy of amnesty for students who offer help to others in need. [While policy violations cannot be overlooked, the LCTCS or specific LCTCS member college may provide purely educational options with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to others in need.]

#### **24. Federal Statistical Reporting Obligations**

Certain campus officials – those deemed Campus Security Authorities – have a duty to report the following for federal statistical reporting purposes (Clery Act):

- a) All “primary crimes,” which include homicide, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson;
- b) Hate crimes, which include any bias motivated primary crime as well as any bias motivated larceny or theft, simple assault, intimidation, or destruction/damage/vandalism of property;
- c) VAWA<sup>7</sup>-based crimes, which include sexual assault, domestic violence, dating violence, and stalking; and
- d) Arrests and referrals for disciplinary action for weapons-related law violations, liquor-related law violations, and drug abuse-related law violations.

All personally identifiable information is kept private, but statistical information must be passed along to [campus law enforcement] regarding the type of incident and its general location (on or off-campus or in the surrounding area, but no addresses are given) for publication in the Annual Security Report and daily campus crime log.

Campus Security Authorities (CSAs) include: student affairs/student conduct staff, campus law enforcement/public safety/security, local police, coaches, athletic directors, residence life staff, student activities staff, human resources staff, advisors to student organizations, and any other official with significant responsibility for student and campus activities.

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<sup>7</sup> VAWA is the Violence Against Women Act, enacted in 1994 codified in part at 42 U.S.C. sections 13701 through 14040.

## **25. Training, Education, and Prevention and Awareness Programs**

As mandated by Louisiana state law all employees are required to receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of their employment. In addition, each supervisor and any person designated as an investigator of a complaint of sexual harassment shall receive additional education and training.

All LCTCS colleges will annually offer, and document, education and prevention programs that include, but are not limited to:

1. Awareness programs which consist of community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce sexual misconduct.
2. Bystander intervention programs which consist of safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. It also includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.
3. Ongoing prevention and awareness campaigns which consist of programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for addressing, dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.
4. Prevention programs which consist of initiatives and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.
5. Risk reduction programming which consists of options designed to decrease perpetration and bystander inaction and to increase empowerment for victims to promote safety and to help individuals and communities address conditions that facilitate violence. Additional options may include designation and publication of "red zones" (i.e., times and places of high incidence of crimes, including sexual violence).

Each individual at an LCTCS college who is involved in implementing the college's student grievance procedures, including each individual who is responsible for resolving complaints of reported sexual discrimination or sexual misconduct, and each employee who has responsibility for conducting an interview with an alleged victim of a sexually-oriented criminal offense, must receive annual training developed by the Board of Regents/Attorney General, beginning with the 2016- 2017 academic year.

## **26. State Mandatory Reporting**

As mandated by state law the LCTCS Office and each college shall develop a report each February 1st containing information from the previous calendar year regarding compliance with this ACT 270 including:

- The number and percentage of the college's employees that have completed the training requirements;
- The number of sexual harassment complaints received by the college;
- The number of complaints which resulted in a finding that sexual harassment occurred;
- The number of complaint in which the finding of sexual harassment resulted in discipline or corrective action; and
- The amount of time it took to resolve each complaint.

## **27. Institutional and Board Office Responsibilities**

This policy applies to all institutions of the LCTCS. These procedures may be supplemented by more specific campus procedures that are consistent with this policy and state and federal laws. All institutions are required to:

- Provide to all employees a copy of this policy or their campus policy and post to their website. A contact list identifying individual names, titles, physical location and telephone number(s) where complaints may be filed shall also be included.
- Develop a system of recording all formal written complaints to be submitted and kept on file in the institution Chancellor's or Director's (as appropriate) office and in the office of the System President for those of LCTCS system office staff.
- Regularly offer training, educational and prevention programs for employees.

## **28. Cooperation with Law Enforcement**

All LCTCS colleges will comply with law enforcement requests for cooperation and such cooperation may require an institution to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. LCTCS colleges will implement appropriate interim steps/remedies during any law enforcement agency's investigation to provide for the safety of all parties to the complaint and the campus community. LCTCS colleges will promptly resume a Title IX investigation as soon as notified by law enforcement that it has completed the evidence gathering process.

All LCTCS colleges will make diligent effort to enter into Memorandum of Understanding (MOU) with local law enforcement and criminal justice agencies. Such MOUs will be updated every two years and may include:

1. Delineation and sharing protocols of investigative responsibilities
2. Protocols for investigations, including standards for notification and communication and measures to promote evidence preservation
3. Agreed-upon training and requirements on issues related to sexually-oriented criminal offenses for the purpose of sharing information and coordinating training to the extent possible
4. A method of sharing general information about sexually-oriented criminal offenses occurring within the jurisdiction of the parties to the MOU in order to improve campus safety
5. Assurances that local peace officers in addition to each full-time college or university police officer complete a sexual assault program required by state law La. R.S. 17:1805(H); 40:2405.8(A); (C)(I).

### **29. Campus Climate Surveys**

To adequately assess perceptions and behaviors of sexual misconduct on the campus, all LCTCS colleges will administer the statewide campus climate survey as developed and required by the Board of Regents, and will submit the results to the Louisiana Community & Technical College System Board by June 1, and to the Board of Regents by June 15 of each survey cycle. The survey will be voluntary, and students will be given the ability to decline to participate.

### **30. Institutional Task Force**

Each LCTCS college will establish a task force to address sexual discrimination and sexual misconduct. All student stakeholder groups will be invited to be represented on the task force through the student body government.

### **OTHER REFERENCES:**

Act No. 270 – Prevention of Sexual Harassment  
LA R.S. 44:51 – Sexual Misconduct  
Equal Pay Act of 1963  
Title VII of the Civil Rights Act of 1964  
Executive Order 11246 of 1965  
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  
Civil Rights Act of 1991  
Title II of the Genetic Information Nondiscrimination Act of 2008.

## **POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>VIOLENCE IN THE WORKPLACE</b>
<b>EFFECTIVE DATE:</b>	<b>June 8, 2012</b> <i>(*Title Updates 6/8/12; 2/23/05; 3/6/08; Original 9/16/03)</i>
<b>CANCELLATION:</b>	BA-1733.1 (2/23/05)
<b>CATEGORY:</b>	Safety (SF)

### **POLICY STATEMENT**

Employees are Delgado Community College's most valuable resource and their safety and security are essential to carrying out their responsibilities. Every employee has a reasonable expectation that he/she will be able to perform assigned duties in an atmosphere free of threats and assaults. Delgado Community College is committed to a violence-free workplace.

### **PROCEDURES & SPECIFIC INFORMATION**

1. **Purpose**

To publish the College's procedures for minimizing and addressing potential violence.

2. **Scope and Applicability**

This policy and procedures memorandum applies to all employees, students and visitors of the College.

3. **Definitions**

For the purposes of this policy, the following definitions apply:

A. **Assault**

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery. For example: *"I may have a stick raised and know that I have no intention of striking you, but, based on the circumstances, you have a reasonable apprehension that I plan to strike you."*

**B. Aggravated Assault**

Aggravated assault is an assault committed with a dangerous weapon.

**C. Battery**

Battery is the intentional use of force or violence upon another, or the intentional administration of a poison or other noxious liquid or substance to another.

**D. Aggravated Battery**

Aggravated battery is a battery committed with a dangerous weapon.

**E. Credible Threat**

A credible threat is a statement or action that would cause a reasonable person to fear for the safety of him/herself or that of another person and does, in fact, cause such fear.

**F. Intentional**

Intentional refers to conduct when the circumstances indicate that the offender, in the ordinary course of human experience, must have considered the criminal consequences as reasonably certain to result from his/her act or failure to act.

**G. Violence**

Violence is the commission of an assault or battery or the making of a credible threat.

**H. Workplace**

The workplace is any site where an employee is placed for the purpose of completing job assignments.

**I. Violence Prevention**

The implementation of effective security measures, work practices, and a work site analysis for hazard prevention and control to promote a positive, respectful, safe work environment and minimize exposure that could result in harm to employees, students and visitors.

**J. Workplace Violence**

Workplace violence is violence that takes place in the workplace.



**K. Confidential Advisor**

A [Confidential Advisor](#) is an employee who is trained in handling complaints of workplace violence. While a confidential advisor is trained to deal effectively with workplace violence, incidents, complaints and concerns with seriousness, they are required to [report](#) all complaints of workplace violence through the appropriate channels according to the College's [Violent Incident Reporting Route](#). A Confidential Advisor keeps confidential reports including the identification of parties involved. Such records are not available to anyone except to those who have a legitimate need to know and to the extent required by law. Generally, each campus/site has Confidential Advisors who are employee(s) who have been trained in the handling of workplace violence complaints.

**4. The College's Responsibilities**

The responsibility of the College is to:

- A. hire, train, supervise and discipline employees;
- B. intervene in situations of harassment in the workplace where the employer is aware of the harassment;
- C. ensure employees and/or independent contractors are fit for duty and do not pose unnecessary risks to others;
- D. provide security precautions and other measures to minimize the risk of foreseeable criminal intrusion based upon prior experience or location in a dangerous area;
- E. maintain an adequate level of security;
- F. establish and implement procedures for dealing with violence in the workplace;
- G. provide employee resources on the warning signs of potential for violent behavior and precautions, which may enhance the personal safety of the employee at work;
- H. warn an employee of a credible threat made by another to do harm to that employee;
- I. support the application of sanctions and/or prosecution of offenders as appropriate;

- J. accommodate, after appropriate evaluation, employees who require special assistance following incident(s) of workplace violence;
- K. cooperate with law enforcement agencies;
- L. establish a uniform [violence reporting](#) system with regular review of submitted reports; and
- M. initiate procedures to protect from retaliation employees who report credible threats; and keep up-to-date records to evaluate the effectiveness of administrative and work practice changes initiated to prevent workplace violence.

## 5. **The College's Commitment**

Delgado Community College's commitment, which includes the endorsement and visible involvement of top levels of supervision, provides the motivation and resources to deal effectively with workplace violence, and includes:

- A. organizational concern for employee emotional and physical safety and health;
- B. commitment to the safety and security of all persons (employees, students and visitors) at the workplace;
- C. assigned responsibility for the various aspects of the workplace violence prevention program to ensure that all supervisors and employees understand their roles and responsibilities;
- D. allocation of authority and resources to all responsible parties;
- E. accountability for involved supervisors and employees;
- F. debriefing/counseling for employees experiencing or witnessing assaults and other violent incidents;
- G. support and implementation of appropriate recommendations from [Confidential Advisors](#); and
- H. treatment of workplace violence, incidents, complaints and concerns with seriousness, keeping confidential all reports and the identification of parties, except to those who have a legitimate need to know and to the extent required by law.

## 6. **Employee/Student Responsibilities**

- A. Employees are required to report to a [Confidential Advisor](#), the Human Resources Office or the Delgado Police Department all threats or incidents of violent behavior at the College that they observe or of which they are informed. Students are required to report to a Confidential Advisor, the Vice Chancellor for Student Affairs (or designee), or the Delgado Police Department all threats or incidents of violent behavior in the workplace that they observe or of which they are informed. Inappropriate behavior is often a warning sign of potential hostility or violence. When left unchecked it can escalate to higher levels. Examples of inappropriate behavior that must be reported include:
- (1) unwelcome name-calling, obscene language, and other abusive behavior;
  - (2) intimidation through direct or veiled verbal threats;
  - (3) physically touching another employee in an intimidating, malicious, or sexually harassing manner, including such acts as hitting, slapping, poking, kicking, pinching, grabbing, or pushing; and
  - (4) physically intimidating others including such acts as obscene gestures, "getting in your face," fist-shaking or throwing any object.
- B. The College's [Violent Incident Reporting Route](#) provides a graphic flow chart for reporting incidents of workplace violence.

## 7. **Cancellation**

This policy and procedures memorandum cancels BA-1733.1, *Violence in the Workplace*, dated June 8, 2012.

### *Review Process:*

Ad Hoc Committee on Workplace Violence Policy 7/15/03  
Business and Administrative Affairs Council 8/12/03  
Executive Council 9/16/03  
Title Updates 3/6/08  
Title Updates 2/23/05  
Title Updates 6/8/12

### *Attachments -*

[Violent Incident Reporting Route](#)

### *Distribution:*

Distributed Electronically Via College's Website

## **POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>TOBACCO-FREE COLLEGE</b>
<b>EFFECTIVE DATE:</b>	August 1, 2014
<b>CANCELLATION:</b>	AD-1373.5C (11/1/10)
<b>CATEGORY:</b>	Safety (SF)

### **POLICY STATEMENT**

In accordance with Louisiana Community and Technical College System [Policy #6.024 Smoke-Free Environment](#), Delgado Community College operates in compliance with Louisiana Revised Statute 40:1300.251-263 to provide a tobacco-free environment. Therefore, student, faculty, staff and visitor use of tobacco derived or containing products is prohibited on all College premises, including all facilities and within its vehicles. These products include but are not limited to cigarettes, cigars, cigarillos, pipes, hookah-smoked products, oral and smokeless tobacco products, electronic cigarettes, and any additional products that meet the definition of a tobacco product as defined by the U.S. Food and Drug Administration (FDA).

Alleged employee violations of this policy may result in review by the immediate supervisor and possible referral to the Assistant Vice Chancellor for Human Resources for potential disciplinary action in accordance with [LCTCS Policy #6.014, Discipline for All Employees](#). Alleged violations of this policy by students may be addressed in accordance with the procedures outlined in the College's [Student Judicial Code](#) policy.

### **Cancellation**

This policy and procedures memorandum cancels AD-1373.5C *Smoking Policy*, dated November 1, 2010.

#### *Policy Reference:*

Louisiana Revised Statute 40:1300.251-263

Louisiana Community and Technical College System [Policy #6.024 Smoke-Free Environment](#)

#### *Review Process:*

Ad Hoc Tobacco-Free College Policy Review Committee 6/5/14

College Council 6/17/14

#### *Distribution:*

Distributed Electronically Via College's Website

## **POLICY & PROCEDURES MEMORANDUM**

<b>TITLE:</b>	<b>DRUG-FREE COLLEGE</b>
<b>EFFECTIVE DATE:</b>	<b>September 25, 2023*</b> <i>(*Procedural Update 9/25/23; 11/3/17; Title Updates 2/29/12; 7/6/10, 5/1/05; Original 11/18/97)</i>
<b>CANCELLATION:</b>	SF-2530.1 (11/3/17)
<b>CATEGORY:</b>	Safety (SF)*

### **POLICY STATEMENT**

As a concerned employer and an educational institution, Delgado Community College is committed to the good health and wellbeing of all of its employees and students and is concerned about the personal problems of any employee or student that could arise from the illegal use or abuse of any controlled substance. Delgado Community College prohibits the abuse of drugs, including alcohol. It is unlawful to possess, use or distribute illicit drugs on Delgado property or at any college-sponsored event, whether or not the event occurs on campus. In addition, Delgado prohibits the use of alcohol on campus, except as designated in the College's current policies on serving alcoholic beverages at student functions and approved College functions. The College provides referral services and other assistance to students, faculty and staff who seek help with substance abuse problems.

Present and potential college employees and students are advised that, as a condition of employment and/or enrollment, they must comply with all terms of the College's Drug- Free College Policy. All reports of alleged illegal use or abuse of any controlled substances by Delgado employees and/or students should be treated as confidential and handled in accordance with the provisions of this memorandum to protect the privacy of the individual. Any Delgado employee or student convicted of violating a criminal drug statute or alleged with violating a criminal drug statute on the College's premises or at an off-campus College function will be required to notify the College of such a conviction or allegation.

Alcohol and drugs can seriously damage physical and mental health, as well as jeopardize personal and public safety. For these reasons, violators of the Drug-Free College policy will face College sanctions. As with all illegal activities, substance abuse can result in criminal prosecution as well, under state and federal laws, including section 22 of the Drug-Free Schools and Campuses Act Amendment of 1989 (Public Law of 101-226). The responsibilities and guidelines for maintaining a drug-free college are outlined in this memorandum.

## PROCEDURES & SPECIFIC INFORMATION

### 1. Purpose

To publish the College's policy on maintaining a drug-free environment.

### 2. Scope and Applicability

This policy and procedures memorandum applies to all currently enrolled and prospective students and all employees of the College.

### 3. Guidelines for Drug-Free College

As a result of the College's commitment to its employees and students and in order to comply with the provisions of the Drug-Free Schools and Campuses Act Amendment of 1989, the following guidelines have been instituted to ensure that Delgado Community College is and remains a drug-free environment.

- A. In an effort to assure compliance with Public Law 101-226, all facilities of Delgado Community College are designated as Drug Free Zones. The College abides by all state, federal, and local laws pertaining to alcohol and will enforce underage drinking laws. It is unlawful to possess, use, or distribute illicit drugs on Delgado property or at any college-sponsored event, whether or not the event occurs on campus. In addition, Delgado prohibits the consumption, possession, or distribution of alcohol on campus, except as designated in the College's [Alcoholic Beverages at Student Functions](#) policy.
- B. In accordance with LCTCS Policy #6.030, [Drug Free Workplace](#), employees are prohibited from the unlawful use, abuse, manufacture, distribution, dispensation, or being under the influence of a controlled or illegal substance or undisclosed controlled prescription medication while at work, on call, on duty, on any facility of Delgado Community College or engaged in College business. Employees who violate this policy will submit to drug testing when properly ordered to do so in accordance with the College's [Employee Drug Testing](#) policy, and will be subject to disciplinary action up to and including termination of employment.

Employee alcohol misuse is prohibited extending to 1) use of alcohol on the job; 2) use of alcohol during the four hours before performance of safety-sensitive and security –sensitive functions; and 3) having a prohibited alcohol concentration level in the individual's blood system while on the job.

The use of drugs/medications prescribed by a licensed physician is permitted provided that it will not affect the employee's performance. The College reserves the right to have a licensed physician of its own choice determine if the use of a prescription drug/medication produces effects that may impair the employee's performance or increase the risk of injury to the employee or others. If such is the case the College reserves the right to suspend the work activity of the employee during the period in which the employee's ability to safely perform his/her job may be adversely affected by the consumption of such medication.

In accordance with [LCTCS Policy #6.030, Drug Free Workplace](#) the College's [Employee Drug Testing](#) policy, the College reserves the right to require drug and alcohol screening for pre-employment, re-employment, continued employment or reinstatement, as well as disclosure of the medically required need to take certain prescribed medications or over-the-counter medications.

- B. Any employee or student convicted of a criminal drug statute violation is required to notify the Office of Human Resources (faculty and staff) or the Office of Student Financial Assistance (students) of the conviction. (Students not on financial aid must notify the Vice Chancellor for Academic and Student Affairs.) If an employee or student is alleged with, but not yet convicted, of a criminal drug statute violation on the College's premises or at an off-campus College function, he/she must also notify the appropriate College officer listed above. Notification must be made within five (5) working days following the conviction/allegation.
- C. The Chief Human Resources Officer, the Director of Student Financial Assistance, or the Vice Chancellor for Academic and Student Affairs immediately notifies the Chancellor of any drug conviction/allegation reported.
- D. Any employee or student convicted of a criminal drug statute violation must refer himself/herself to an approved drug assistance or rehabilitation program. Notifications of the date of entry and the date of successful completion of such program should be made to the Human Resources Office, Office of Student Financial Assistance, or the office of the Vice Chancellor for Academic and Student Affairs, as appropriate. In such circumstances, failure or refusal of an employee or student to undergo professional counseling is grounds for corrective action, which could include suspension and/or dismissal.
- E. Delgado Community College will periodically provide training and information materials and workshops regarding the dangers of drug use and abuse.

#### 4. **Responsibilities**

A. Each Delgado employee:

- (1) Is required to report for duty in a condition that maximizes his ability to perform assigned tasks in a competent and safe manner. Reporting to work impaired from the use of alcohol or drugs is prohibited.
- (2) Adheres to all standards of behavior contained in this memorandum.
- (3) Reports incidents of alleged substance abuse to the Delgado Campus Police in accordance with the College's [Accident/Incident Reporting Route](#).
- (4) If convicted of a criminal drug statute violation or if alleged with violating a criminal drug statute on the College's premises or at an off-campus College function, notifies the Human Resources Office within five (5) working days following the conviction/allegation. If conviction is for drug abuse, obtains approved professional treatment and/or counseling.

B. Each Delgado student:

- (1) Adheres to the standards of behavior contained in this memorandum.
- (2) Reports incidents of alleged substance abuse to the Delgado Campus Police in accordance with the College's [Accident/Incident Reporting Route](#).
- (3) If convicted of a criminal drug statute violation or if alleged with violating a criminal drug statute on the College's premises or at an off-campus College function, notifies the Office of Financial Assistance within five (5) working days following the conviction/allegation. (Students not on financial aid must notify the Vice Chancellor for Academic and Student Affairs.) If conviction is for drug abuse, obtains approved professional treatment and/or counseling.

C. The Chief Human Resources Officer or the Vice Chancellor for Academic and Student Affairs immediately notifies the Chancellor if an employee or student is convicted of violating a criminal drug statute or alleged with violating a criminal drug statute on the College's premises or at an off-campus College function.



## 5. College and Legal Sanctions

### A. College Sanctions

Violations of the Drug-Free College policy by faculty or staff can take the form of a written reprimand, suspension, demotion, reduction in pay, or termination of the person's association with Delgado. Disciplinary actions against students, which may include suspension or expulsion, are imposed in accordance with the College's [Student Code of Conduct](#), and may include suspension or expulsion.

### B. Legal Sanctions

As with all illegal activities, substance abuse can result in criminal prosecution as well, under state and federal laws, including section 22 of the *Drug-Free Schools and Campuses Act* Amendment of 1989 (Public Law of 101- 226). It is unlawful in Louisiana to produce, manufacture, distribute, dispense, or possess illegal drugs. Illegal drugs on college campuses/sites include, but are not limited to, marijuana, opium derivatives, hallucinogens, depressants, cocaine, cocaine derivatives, and amphetamines.

Prescription drugs are not considered illegal drugs on college campuses/sites. However, a prescription or recommendation for medical marijuana does not negate the college's obligation to comply with the Drug Free Schools and Communities Act. Federal legislation still classifies marijuana as a Schedule I illegal drug, and the College's federal funding mandates that we comply with the law prohibiting the possession, use, or distribution of drugs—even if that drug is approved for medicinal purposes. Of additional note, the EEOC has held that medical marijuana is not a permitted accommodation under federal law. As such, a student's use of the drug is not an allowable ADA accommodation.

The Criminal Code of Louisiana carries specific penalties for the possession and use of illegal drugs. Louisiana Revised Statute 40:981.3, *Violation of Uniform Controlled Dangerous Substances Law; Drug Free Zone*, states that any person who violates a provision of the Uniform Controlled Dangerous Substances Law (Louisiana Revised Statute 40:966-970) while on any property used for school purposes by any school, within two thousand feet of any such property, or while on a school bus, shall, upon conviction, be punished by the imposition of the maximum fine and be imprisoned for not more than one and one-half times the longest term of imprisonment authorized by the applicable provisions of R.S. 40:966 through 970 of the Uniform Controlled Dangerous Substances Law.

It is also unlawful in Louisiana for anyone under 21 years of age to purchase or possess any alcoholic beverages for any reason, in any place open to the public. Exceptions occur when the alcohol is possessed or consumed for the following reasons: for established religious purposes; for medical purposes when prescribed by a licensed authority; when an 18-20-year-old is accompanied by a parent, spouse, or legal guardian at least 21 years of age; in private residences or private clubs or establishments when lawfully employed by a licensed enterprise for the lawful sale, handling, transport or dispensing of alcoholic beverages. In accordance with Louisiana Revised Statute 14:98, *Operating a Vehicle While Intoxicated*, driving under the influence of alcohol is illegal in Louisiana, and anyone with a blood alcohol level of .08 or above will be charged with driving while intoxicated (DWI) or driving under the influence (DUI).

## 6. **Cancellation**

This policy and procedures memorandum cancels DCI 2530.1, *Policy on Substance Abuse*, dated November 13, 2017.

### *Policy Reference:*

Delgado Policy and Procedures Memorandum [Student Judicial Code](#)  
 Delgado Policy and Procedures Memorandum [Alcoholic Beverages at Student Functions](#)  
 Delgado Policy and Procedures Memorandum [Employee Drug Testing](#)  
 Louisiana Community and Technical College System Policy #6.030, [Drug Free Workplace](#)  
 Drug-Free Schools and Campuses Act Amendment of 1989 (Public Law 101-226)  
 Drug-Free Workplace Act of 1988  
 Criminal Code of Louisiana  
 Louisiana Revised Statute 40:981.3, *Violation of Uniform Controlled Dangerous Substances Law; Drug Free Zone*  
 Louisiana Revised Statute 40:966-970, *Uniform Controlled Dangerous Substances Law*  
 Louisiana Revised Statute 14:98, *Operating a Vehicle While Intoxicated*

### *Review Process:*

Special Needs and Health Services Committee 4/7/97  
 Student Government Council 10/17/97  
 Student Affairs Council 10/22/97  
 Executive Council 11/18/97  
 Vice Chancellor for Business and Administrative Affairs Title Updates Approval 5/1/05  
 Vice Chancellor for Business and Administrative Affairs Title Updates Approval 7/6/10  
 Vice Chancellor for Business and Administrative Affairs Title Updates Approval 2/29/12  
 Vice Chancellor for Business and Administrative Affairs Procedural Update 11/3/17  
 Vice Chancellor for Business and Administrative Affairs/ Vice Chancellor for Academic and Student Affairs Procedural Update Approval 9/25/23

*Distribution:* Electronic Distribution Via College's Website



## **Drug & Alcohol Prevention Program**

Delgado Community College values its employees and recognizes their need for a safe and healthy work environment. In an effort to create the best possible outcomes in terms of safety, productivity, and overall satisfaction, the College is committed to establishing a drug/alcohol free work environment that prohibits usage and offers assistance to those in need. In accordance with the College's Drug-Free College/ Drug-Free Schools and Communities Act policy statement, Delgado has adopted a program to prevent the illicit use of drugs and the abuse of alcohol by employees

### **Policies & Regulations**

As supported in the College's Drug-Free Schools and Communities Act policy statement and Drug-Free College policy, Delgado Community College has a long-standing commitment to maintain a drug-free College and a college free of substance abuse. The physical and mental well-being of Delgado employees is necessary for them to properly carry out their responsibilities. Substance abuse causes serious adverse consequences to users, impacting their productivity, health and safety. Students, co-workers, as well as the general public, are also adversely impacted by the substance abuse of employees.

### **Standards of Conduct**

In an effort to assure compliance with Public Law 101-226 and in accordance with the LCTCS Drug-Free Workplace policy, all facilities of Delgado Community College are designated as Drug Free Zones. The College abides by all state, federal, and local laws pertaining to alcohol and will enforce underage drinking laws. It is unlawful to possess, use, or distribute illicit drugs on Delgado property or at any college-sponsored event, whether or not the event occurs on campus.

In addition, in accordance with the LCTCS' policy on Alcohol Use, Delgado prohibits the consumption, possession, or distribution of alcohol on campus, except at College-sponsored events that have been approved to serve alcohol. When alcoholic beverages have been approved for official College-sponsored events, responsible and legal consumption by employees is required as outlined in the College's Responsible Employee Use of Alcohol at College Functions policy.

### **Drug and Alcohol Testing**

Delgado may require drug and alcohol testing of its employees under conditions set forth in the College's Drug Testing Policy, and in accordance with Executive Order No. MJF 98-38, Louisiana Revised Statute 49:1001-1021, and all other applicable federal and state laws.

### **College and Legal Sanctions**

Employee violations may result in disciplinary action, as outlined in Delgado's Drug-Free College policy.

Depending on the nature of the offense, this can take the form of a written reprimand, suspension, demotion, reduction in pay, or termination of the person's association with Delgado. As with all illegal activities, substance abuse can result in criminal prosecution as well, under state and federal laws, including section 22 of the *Drug-Free Schools and Campuses Act* Amendment of 1989 (Public Law of 101-226). See Delgado's Drug-Free Schools and Communities Act policy statement for more information on legal sanctions.

### **Employee Assistance Program (EAP)**

The College provides referral services and other assistance to students, faculty, and staff members who are seeking confidential assistance with many issues. The 1-800 hotline is available 7 days a week, 24 hours a day and is completely confidential and anonymous. Employees seeking guidance should call 1-800-252-4555 or 1-800-225-2527. Confidential referral assistance is available to help with:

- Substance Abuse
- Stress Issues and Management
- Emotional Issues
- Relationship and Family Concerns
- Financial Challenges
- Other Personal Issues

### **Higher Ed EAP Employee Assistant Programs for Delgado Employees**

[Higher Ed EAP](#) is a comprehensive employee resource program available to Delgado Community College employees. Confidential assistance is provided free of charge to help employees manage personal issues at work or at home. The 1-800 hotline is available 24 hours a day, 7 days a week, 365 days a year and is completely confidential and anonymous. TTY/TDD access is available. Employees seeking guidance should call 1-800-252-4555 or 1-800-225-2527. Employees can also access the services from [the Higher Ed EAP website](#). Delgado employees create their own login.

Higher Ed EAP consultants offer support and practical information and contacts to local and national resources, services, and support groups available in the Greater New Orleans community. Whether an employee is dealing with home or work issues, such as dealing with substance abuse issues, helping aging parents, raising children, dealing with stress and relationships, working through family or financial issues, and staying healthy, etc., their support assists employees in finding answers.

For more information, visit the [Delgado Community College's Drug and Alcohol Prevention Program](#).

## INTERNAL/DEPARTMENTAL POLICY AND PROCEDURE

**TITLE:** Transitional Return to Work Plan

**EFFECTIVE DATE:** July 1, 2015 (*Procedural Update 1/16/19, Title Updates 8/23/16*)

**CANCELLATION:** None

**DIVISION:** BUSINESS AND ADMINISTRATIVE AFFAIRS (BAA)

**CATEGORY:** Risk Management/Safety/Compliance (Y)

**RESPONSIBLE  
DEPARTMENT:** Safety and Risk Management Office

## PROCEDURES & SPECIFIC INFORMATION

### 1. Purpose

To establish procedures for administering a transitional return to work program for injured employees in accordance with the [Louisiana Office of Risk Management's Transitional Return to Work Plan](#) pursuant to Louisiana Revised Statute 39:1547, which allows injured workers to return to work at Delgado for up to one year in a transitional capacity within the physical restrictions determined by their treating physician, until they are capable of returning to full duty.

### 2. Scope and Applicability

This policy applies to all full-time and part-time unclassified and classified employees who have sustained a job-related injury or illness.

### 3. Goals

Delgado Community College is committed to ensuring injured workers return to gainful employment as soon as medically possible after a job-related injury or illness. The goals of the College's Transitional Return to Work Plan are to:

- Provide a safe return to work for occupationally related injuries or illnesses.
- Give employees return to work options.
- Provide suitable accommodations for employees who have sustained an injury or illness that impacts their ability to perform all aspects of their pre-injury or pre-illness job.
- Retain qualified employees.
- Facilitate a safer working environment.
- Reduce the duration of time needed for the employee to transition back to full duty.
- Retain valuable employee work skills, physical conditioning.
- Reduce workers' compensation claim costs.
- Administer the workers' compensation claims reporting process.
- Administer the process of semi-annual reports to the Legislature and the Governor.

4. **General Provisions**

- A. Delgado's Transitional Return to Work Plan is based on medical prognosis/recovery and State regulations/policies, and includes the following procedures and components.
- B. Employees are responsible to report job-related injuries/illnesses immediately to their supervisors. In accordance with Louisiana Office of Risk Management requirements and the College's [Accident Reporting procedures](#), [Employee Post Incident/Accident Analysis \(Form DA 2000\)](#) is completed for each incident/accident involving employees.
- C. Transitional work may be available until an employee is able to resume full duty.
- D. The Safety and Risk Manager maintains a copy of the employee's Louisiana Office of Risk Management [Physician's Modified Work Information Sheet](#) in the College's incident file.
- E. Following a Workers Compensation claim, the College may allow an injured employee to return to his or her own job in a light duty status for six (6) months. The College also has the option of using a Detail to Special Duty in which to return the employee to work. Classified employees detailed to special duty must be administered according to the provisions of [Civil Service Rule 23:12, Detail to Special Duty](#). The College will utilize applicable Civil Service provisions as a guide in providing a Detail to Special Duty to an injured unclassified employee.
- F. Unclassified employee requests for additional time beyond the initial six (6) months may be submitted to the College's Return to Work Team. Classified employee requests for additional time beyond the initial six (6) months may be made by the College's appointing authority to the Director of State Civil Service for classified employees.
- G. Medical issues that can delay return to work must be referred to the Louisiana Office of Risk Management's Third Party Administrator (TPA) Return to Work Coordinator.

5. **Plan Implementation Responsibilities**

- A. The Safety and Risk Manager ensures existing employees are provided the College's Transitional Return to Work Plan annually.
- B. The Human Resources Office ensures new employees are provided the College's Transitional Return to Work Plan during the new hire orientation process.

6. **Reporting Work-Related Accidents/Illnesses**

Once a work-related injury/illness is reported by an employee, the Safety and Risk Manager will:

- 1. Report work-related injuries or illnesses immediately or no later than 5 days of the injury or knowledge using the Third Party Administrator's online claims management system. (Only electronic claims are accepted.)

2. Provide the employee with a Louisiana Office of Risk Management [Physician's Modified Work Information Sheet](#) to give to the treating physician. The injured employee will be allowed to seek treatment with a physician of choice chosen from Occupational Medical Clinics in the College's geographic area. Employees still retain the right to seek medical treatment from a physician of choice for the work-related accident.
3. Notify the Human Resources Office and the Payroll Office of the incident.

## 7. **Transitional Return To Work Team**

- A. Delgado has a transitional return to work team to review all lost-time workers' compensation employees. The scope of the team's role is to:
  - complete transitional return to work plans
  - review of job modifications
  - job tasking
  - task identification
  - comply with the State's requirement for a transitional return to work plan,
  - oversight of plans
  - facilitate success of plans
  - report transitional return to work plan results
- B. The College's Transitional Return to Work Team is composed of:
  - One Human Resources representative
  - Employee's immediate supervisor
  - Safety and Risk Manager
  - Payroll Manager or other Management representative
  - Claims Adjuster for the Louisiana Office of Risk Management's Third-Party Administrator
  - Louisiana Office of Risk Management's Third Party Administrator (TPA) Return to Work Coordinator
  - Louisiana Office of Risk Management's Third Party Administrator Vocational Rehabilitation Counselor as needed
- C. The role of the Louisiana Office of Risk Management's Third Party Administrator (TPA) Return To Work Coordinator is to serve as the primary contact for employees and the College on matters related to disability management and return to work planning. Duties include but are not limited to:
  - Responsible for the overall coordination and day-to-day administration of the disability management plan.
  - Develop, facilitate and monitor the College's Return to Work plan.
  - Develop and facilitate accommodations.
  - Work with the employee and the employer to facilitate Return to Work plans.
  - Monitor Return to Work plans and provide progress reports to appropriate individuals.
- D. The College's Transitional Return to Work Team shall meet in person or through teleconference twice a semester or more often when an employee is injured and/or there is a change in the injured employee's medical status. Team meetings will not be necessary if there are no active lost time claims.



## 8. **Pre-Accident Job Tasking**

- A. Job tasking is the process of detailing each specific job task performed in a position to ensure injured workers are returned to a safe work environment. The Louisiana Office of Risk Management's Third Party Administrator (TPA) Return to Work Coordinator provides the College with assistance with job tasking as needed.
- B. Job tasking ideally should begin before an accident occurs but must begin once an injury has occurred that leads to lost time. Job tasking is accomplished by:
- Completing job tasking for each position of injury that results in lost time.
  - Consulting with first-line supervisors to ensure employees will not be worked outside of restrictions placed by the treating physician.
  - Maintaining a file of job tasks for each position for which a lost-time claim has occurred. (There is no need for repetition of job tasking with each new occurrence.)
- C. Accommodation types include modification of job tasks, equipment or schedules. For classified employees, accommodations must be in accordance with Civil Service provisions or until the injured worker can return to full duty, whichever comes first. The College will utilize applicable Civil Service provisions as a guide in providing accommodations for injured unclassified employees.
- D. The College is not required to create a position for Transitional Return to Work; however specific accommodations may include, but are not limited to:
- *Modified Work* –Includes modification to the job tasks, functions, hours of work, frequency of breaks, worksite, or any combination of these.
  - *Alternate Work* – Different from the employee's pre-injury job or illness offered to a worker who is temporarily or permanently unable to perform their pre-injury work.
  - *Transitional work* – A group of tasks or specific jobs that can be performed until the worker is capable of returning to full pre-injury duties.

## 9. **Return To Work Process**

### A. **Creating Employee's Return to Work Plan**

The Return to Work Plan is completed with the supervisor of the injured employee and a representative from the College's Return To Work Team. The plan must be reviewed and approved by each member of the Team, and must include the following:

- Specific job tasks identified
- Hours to be worked
- Duty assignment
- Physical restrictions



**B. Eligibility for Return to Work**

When reviewing an individual worker's eligibility for return to work options, the following steps must be followed:

- Assess the job task of the worker's pre-injury position
- Identify transitional tasks that can be performed with the employee's current physical restrictions
- Review other services or tasks that can be performed that would improve the overall function of the College
- Review tasks that can be performed that would return an employee to gainful employment (The Office of Risk Management's Third Party Administrator will be available to identify transitional return to work tasks if needed.)

**C. Before the Employee's Return to Work**

- The Immediate Supervisor *and* the Assistant Vice Chancellor for Human Resources (or designee) will hold a meeting with the employee to review the plan before the employee returns to work.
- Once the meeting has taken place, the Assistant Vice Chancellor for Human Resources will make an offer of transitional duty employment to the injured employee in writing.
- If the injured employee is represented by counsel, the notice shall be sent to the employee via counsel.

**D. The Return to Work Offer**

The offer of transitional return to work employment will include the following:

- Offer must be made in writing
- Certified mail return receipt request or electronic mail
- A specific return to work date and time
- Duty assignment
- To whom to report

The College will provide transitional employment for up to one year utilizing the provisions as outlined in Section 4, *General Provisions* or until the injured worker can medically return to full duty, whichever comes first.

**E. Employee Responsibility**

The injured employee has the following responsibilities regarding transitional return to work employment:

- Return the [Physician's Modified Information Sheet](#) to the immediate supervisor within 24 hours of receipt of the signed form from the treating physician
- Accept the transitional return to work offer
- Report to work as requested in the return to work offer letter
- Work within the restrictions provided by the physician
- Comply with medical treatment and keep all scheduled medical appointments
- Advise the immediate supervisor and Office of Risk Management's Third Party Administrator Return To Work Coordinator if the transitional work is physically too difficult

**F. After the Employee Has Returned to Work**

The College will not require the employee to perform tasks that have been prohibited by the treating physician when the employee returns to work on a transitional return to work plan. To ensure this, the College's Return to Work Team will evaluate the plan every 30 days to assess the employee's ability to return to full duty. The Office of Risk Management's TPA will be responsible for communications with medical personnel.

**10. Termination of Employment**

- A. The Payroll Office will inform the Safety and Risk Manager if the injured employee is at risk of termination due to exhaustion of sick leave, while the Office of Human Resources will inform the Safety and Risk Manager when an injured worker is removed from work or the accommodations are no longer available. The Safety and Risk Manager will subsequently notify the Office of Risk Management Third Party Administrator of these issues.
- B. The Safety and Risk Manager will maintain documentation of:
- failed transitional return to work employment
  - efforts made to identify transitional return to work tasks
  - barriers in identifying transitional return to work
  - evidence that transitional return to work tasks could not be identified, if applicable

**11. Measurement of Effectiveness**

Delgado's Return to Work Program is reviewed as part of the College's annual Office of Risk Management annual loss prevention audit.

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*Attachments:*

[Louisiana Office of Risk Management Physician's Modified Information Sheet](#)

Return To Work Process Flow Chart

*Reference:*

[Louisiana Office of Risk Management Return To Work Plan Pursuant to Louisiana Revised Statute 39:1547](#)

[Delgado Accident Reporting Procedures](#)

*Review Process:*

Ad Hoc Committee on Transitional Return To Work Plan Policy 6/29/15  
Business & Administrative Affairs Council 7/1/15

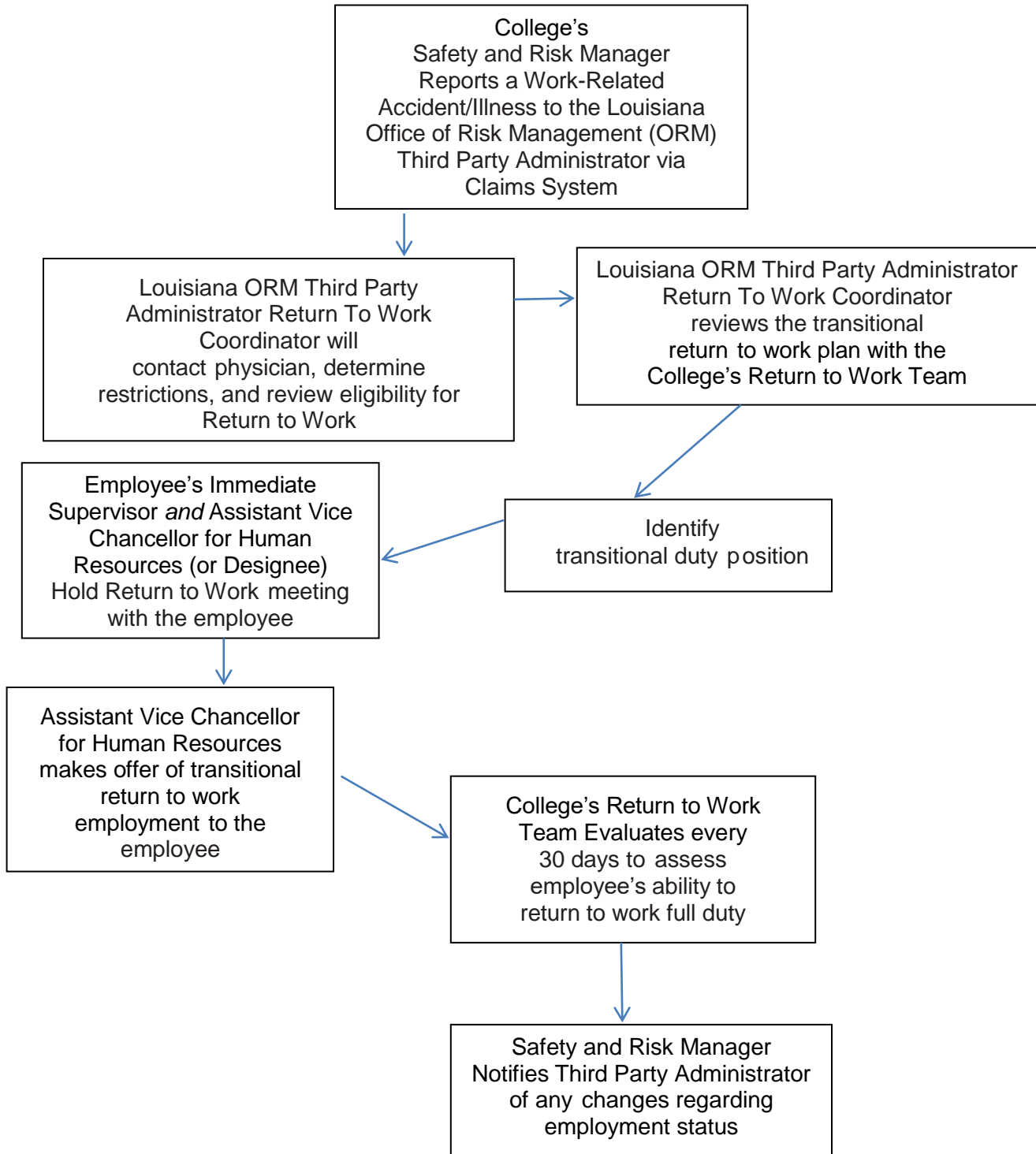
*Approval:*

Procedural Update Approval – Vice Chancellor for Business and Administrative Affairs  
1/16/19

Title Updates Approval - Vice Chancellor for Business and Administrative Affairs 8/23/16  
Vice Chancellor for Business and Administrative Affairs 7/1/15



## TRANSITIONAL RETURN TO WORK PROCESS





**EXECUTIVE DEPARTMENT  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER NUMBER JML 24-154**

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***POLICY ON FREE EXPRESSION AT LOUISIANA PUBLIC  
POSTSECONDARY EDUCATION INSTITUTIONS***

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**WHEREAS**, freedom of speech is an inalienable right of every person, ordained and endowed by their Creator, and guaranteed by the First Amendment to the United States Constitution and La. Const. art. I, § 7;

**WHEREAS**, La. Const. art. I, § 1 declares that government "is instituted to protect the rights of the individual and for the good of the whole. Its only legitimate ends are to secure justice for all, preserve peace, protect the rights, and promote the happiness and general welfare of the people;"

**WHEREAS**, La. Const. art. IV, § 5(A) states the Governor "shall faithfully support the constitution and laws of the state and of the United States and shall see that the laws are faithfully executed;"

**WHEREAS**, constitutionally protected expressive conduct that is abridged or restrained causes harm to the State of Louisiana and its citizens and violates the free speech rights of the speaker to transmit and the audience to receive the expression;

**WHEREAS**, R.S. 17:3399.32(A) specifically protects expressive activities at public postsecondary education institutions by students, administrators, faculty members, staff members, and invited guests;

**WHEREAS**, R.S. 17:3399.31(1) defines "Free speech and First Amendment protected activities" to include lawful verbal or written means by which individuals or groups may communicate ideas to one another. These activities include peaceful assembly, lawful protest, speech, distribution of literature, carrying signs, and circulating petitions;

**WHEREAS**, notwithstanding the clear and unambiguous constitutional and statutory protections afforded by law to expressive activities at public postsecondary education institutions in this State, there continue to be troubling incidents involving university administrators and employees engaging in viewpoint censorship of disfavored speech;

**WHEREAS**, violence, disruption, intimidation, intolerance, and incivility toward disfavored speakers have now established norms of academic life on college and law school campuses across the United States;

**WHEREAS**, Act 584 of the 2024 Regular Session enacted R.S. 17:3399.39, which requires each public postsecondary education management board to make reasonable efforts to protect students from discrimination, on the basis of political ideas, affiliations, or ideology;

**WHEREAS**, R.S. 17:3399.35(5) requires each public postsecondary education, in collaboration with the Board of Regents, to develop and adopt policies on free expression and ensure that those policies prohibit “protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity in any location reserved for that expressive activity shall not be permitted;”

**WHEREAS**, the predictable consequence of such disruptive and intimidating conduct on campuses by those who wish to censor unpopular views or drown out disfavored speech is that students, faculty, and administrators who disagree with them will remain silent and self-censor out of fear of retribution, rather than speaking their conscience in the normal process of academic discourse;

**WHEREAS**, the chilling effect that threats, intimidation, and self-censorship have on free expression and discourse in the academic setting hinders the pursuit of knowledge and is antithetical to the educational environment;

**WHEREAS**, R.S. 17:3399.32(F) prohibits a postsecondary education institution from sanctioning or disciplining a student’s expression as student-on-student discriminatory harassment unless the expression, “targets a victim in violation of this Part and is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities;”

**WHEREAS**, students are increasingly being encouraged to report conduct that they witness or experience that they interpret as stereotyping, marginalizing, or excluding a person based on their age, color, disability, gender identity, gender expression, genetic information, marital status, national or ethnic origin, pregnancy status, race, religion, retaliation, sex, sexual orientation, veteran status, or other. Such reports while well-intentioned have the effect of chilling speech and other forms of expressive conduct at public postsecondary education institutions;

**WHEREAS**, the freedom to debate and discuss the merits of competing ideas does not permit individuals to engage in actions beyond the scope of the First Amendment and La. Const. art. I, § 7, such as true threats, criminal conduct, or expressions intended to incite and likely to result in imminent unlawful behavior. However, these are limited exceptions to the fundamental principle of free speech;

**WHEREAS**, pursuant to R.S. 17:3399.37 each public postsecondary education management board, in collaboration with the Board of Regents shall develop and adopt policies on free expression that meet the requirements of 17:3399.35;

**WHEREAS**, pursuant to R.S. 17:3399.36 (B) each public postsecondary education is required to submit an annual report to the Governor and the Legislature regarding any barriers to or incidents against free expression that occurred at the institution;

**WHEREAS**, pursuant to R.S. 17:3121 the Board of Regents is responsible for providing advice and recommendations concerning higher education to the Governor and the Legislature;

**NOW THEREFORE, I, JEFF LANDRY**, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

Section 1: No state agency, department, office, commission, board, entity, officer, or employee of the State of Louisiana shall take any action or permit or cause another to take any action on their behalf, including during the course of investigating or adjudicating a reported claim of discrimination or bias, that would cause a public postsecondary education institution to deny, abridge, or restrain the lawful exercise of free speech or expression on or immediately adjacent to the grounds of any such institution contrary to R.S. 17:3399.31 *et seq*;

Section 2: The head of every state agency, department, office, commission, board, or entity of the State of Louisiana whose mission or duties arise from, or relate to the function or



administration of a public postsecondary education institution, shall ensure its policies are consistent with R.S. 17:3399.31 *et seq*;

Section 3: The annual reports required by R.S. 17:3399.36 (B) shall be submitted to the Office of the Governor and posted on the institution's website no later than January 31 for the preceding year. Additionally, such annual reports should include all policies of the public postsecondary education institution regarding expressive activities as defined in R.S. 17:3391.31, including policies that allow for a student, administrators, faculty, staff, or student organization to be subject to punitive actions for expressive conduct;

Section 4: This Order shall serve as an official request from the Governor to the Board of Regents to review and provide advice and recommendations on how to improve the freedom of expression policies of public postsecondary education institutions, including but not limited to:

- A. Ensuring the areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas are available as traditional public forums and are open on the same terms to persons who engage in noncommercial expressive activity;
- B. Ensuring the areas that constitute traditional public forums are clearly identified; and
- C. Ensuring that policies for reporting bias or discrimination do not discipline conduct outside of the definition of "student-on-student discriminatory harassment."

Section 5: All state agencies, departments, offices, commissions, boards, entities, officers, and employees of the State of Louisiana, or any political subdivision thereof, are authorized and directed to cooperate with the implementation of the provisions of this Order.

Section 6: This Order is effective upon my signature and shall remain in effect until amended, modified, terminated, or rescinded.



IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 1<sup>st</sup> day of October, 2024.

  
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Jeff Landry  
GOVERNOR OF LOUISIANA

ATTEST BY THE  
SECRETARY OF STATE

  
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Nancy Landry  
SECRETARY OF STATE