


PROCEDURE MANUAL

		Procedure HR_105	
		Page 1 of 5	
		Last Revision Date: 11/24/2014	
		Effective Date:	
Section		Subject	Title Harassment

Delta Community College adheres to the LCTCS policy on Harassment (policy # 6.011):

PURPOSE

Harassment, including sexual harassment, is prohibited by the Equal Employment Opportunity Commission, the Office for Civil Rights and state regulations L.R.S. 23:301, 312, 332 and, therefore, it is the policy of Delta that unlawful harassment of employees and students is prohibited.

Harassment is physical, verbal and visual conduct that creates an intimidating, offensive or hostile environment that interferes with the work environment. This includes harassment because of race, gender, sexual orientation, religious creed, color, national origin, ancestry, disability or medical condition, age or any other basis protected by federal, state or local law, ordinance or regulation.

Sexual Harassment is defined by the Equal Employment Opportunity Commission as: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature... when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or (3) such conduct has the purpose and effect of unreasonably interfering with an individual's work performance *or* creating an intimidating, hostile or offensive working environment.

1. Guidelines

Workplace harassment infringes on employees' right to a comfortable work environment, and it is a form of misconduct that undermines the integrity of the employment relationship. No employee – male or female – should be subjected to unsolicited and unwelcome overtures or conduct, either verbally, visually, physically or electronically transmitted. Although this list is not all-inclusive, examples of conduct that is prohibited includes:

- *Taking any personnel action on basis of an employee's submission to or refusal of sexual overtures*
- *Unwelcome or unwanted conversations*

- *Unwelcome or unwanted touching*
- *Continued or repeated verbal abuse of a sexual nature*
- *Explicit or degrading verbal comments, suggestions, or slurs about another individual or his/her appearance*
- *Offensive comments regarding sexual or private matters*
- *Display of sexually suggestive pictures, objects*
- *Offensive jokes*
- *Verbal abuse, comments, names or slurs that in any way relate to an individual's race, color, sex, sexual orientation, age, religion, national origin or disability*
- *Any other offensive or abusive physical, visual or verbal conduct*

This policy applies to all unclassified and classified employees, students, supervisors, managers, faculty, vendors, and all other individuals doing business with Delta Community College. It is the policy of Delta that no employee may harass another. This includes harassment of an employee by another employee, of a student by an employee, of an employee by a student, of a student by another student. Additionally, under appropriate circumstances, Delta may take action to protect its employees and students from harassment, on Delta property or at Delta sponsored events, by individuals who are not students or employees of Delta.

Complaints of harassment will be investigated promptly and in as impartial and confidential a manner as possible. A member in the Office of Human Resources will conduct investigations, unless otherwise deemed necessary, in order to assure an impartial and confidential investigation. Delta will not tolerate any type of discipline or retaliation, direct or indirect, against any employee or other person who, in good faith, files a complaint of or responds to questions in regard to having witnessed prohibited harassment. False charges are treated as serious offenses and may result in disciplinary and/or civil action.

Any employee or member of management who is found, after appropriate investigation, to have engaged in harassing conduct is subject to appropriate disciplinary action up to and including termination of employment and/or student standing per the College's policies in place governing students.

2. Procedures for Reporting

A complaint of harassment should be presented as promptly as possible after the alleged harassment occurs.

- Any employee who believes he/she is the subject of harassment or who has knowledge of harassing behavior must report such conduct to their direct supervisor and the Office of Human Resources verbally and/or in writing using the harassment complaint form.
- Any student who believes he/she is the subject of harassment or who has knowledge of harassing behavior must report such conduct to the Dean of Student Services. He/she also may submit a complaint to the Chancellor. No student or

employee is required to report or make a complaint of harassment to the person who is allegedly engaging in the problematic conduct.

- In the event that an individual feels uncomfortable making a complaint at the campus level, such complaint may be made at the system level with the LCTCS Director of Human Resources (225-922-2800), Louisiana Community and Technical College System, 265 South Foster Drive, Baton Rouge, Louisiana 70806.

3. Title IX

Notice of Nondiscrimination

Title IX of the Educational Amendments of 1972 prohibits discrimination based on gender in educational programs and activities that receive federal financial assistance. To ensure compliance with Title IX and other federal and state civil rights laws, Louisiana Delta Community College has developed internal policies that prohibit discrimination and sexual misconduct on the basis of gender (Refer to LA Delta's Nondiscrimination Policy Notice on page 3 of the Student Handbook and LA Delta's Sexual Harassment Policy on p. 41 of the Student Handbook).

Louisiana Delta Community College is committed to providing an environment free from gender-based discrimination or harassment which includes sexual harassment, non-consensual sexual contact, non-consensual sexual intercourse, gender-based harassment, stalking, and intimate partner violence.

Because LA Delta recognizes all students and employees should be able to learn and work in a safe and dignified environment, all complaints of illegal discrimination and harassment are taken very seriously and are investigated promptly, equitably, and thoroughly. Individuals found participating in any form of unlawful discrimination, harassment, or retaliation against another student or LA Delta employee for filing a complaint or cooperating with an investigation shall be subject to disciplinary action. LA Delta will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the Complainant and others, if appropriate.

Definitions and Examples

Gender-based misconduct comprises a broad range of behaviors focused on sex and/or gender discrimination that may or may not be sexual in nature. Sexual harassment, sexual assault, gender-based harassment, stalking, and intimate partner violence are forms of gender-based misconduct under this policy. Misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Gender-based misconduct can be committed by men or by women, and it can occur between people of the same or different sex.

Examples of gender-based misconduct

- Pressure for a date or a romantic or intimate relationship
- Unwelcome touching, kissing, hugging, or massaging
- Pressure for or forced sexual activity
- Unnecessary and unwelcome references to various parts of the body
- Belittling remarks about a person's gender or sexual orientation
- Inappropriate sexual innuendoes or humor
- Videotaping and photographing someone or people without consent
- Obscene gestures of a sexual or gender-based nature
- Offensive sexual graffiti, pictures, or posters
- Sexually explicit profanity
- Use of email, the Internet, or other forms of digital media to engage in gender misconduct

Gender-based harassment: Acts of verbal, nonverbal, or physical aggression, intimidation, stalking, or hostility based on gender or gender-stereotyping constitute gender-based harassment. Gender-based harassment can occur if students are harassed either for exhibiting what is perceived as a stereotypical characteristic for their sex, or for failing to conform to stereotypical notions of masculinity or femininity. In order to constitute harassment, the conduct must be such that it has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, demeaning, or offensive academic or living environment.

Intimate partner violence: The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual or economic abuse directed towards a partner in an intimate relationship constitute intimate partner violence. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone. Intimate partner violence can be a single act or a pattern of behavior in relationships. Intimate partner relationships are defined as short or long-term relationships (current or former) between persons intended to provide some emotional/romantic and/or physical intimacy.

Stalking: A course of conduct directed at a specific person that would cause a reasonable person to feel fear. Stalking involves repeated and continued harassment made against the expressed wishes of another individual, which causes the targeted individual to feel emotional distress, including fear and apprehension. Stalking behaviors may include: pursuing or following; non-consensual (unwanted) communication or contact - including face-to-face, telephone calls, voice messages, electronic messages, text messages, unwanted gifts, etc.; trespassing; and surveillance or other types of observation.

Sexual assault: Sexual assault is defined as any non-consensual, intentional physical contact of a sexual nature, such as unwelcome physical contact with a person's genitals, buttocks, or breasts. Sexual assault occurs when the act is committed by: a) physical force, violence, threat, or intimidation; b) ignoring the objections of another person; c)

causing another's intoxication or impairment through the use of alcohol or other drugs; and/or d) taking advantage of another person's incapacitation, helplessness, or other inability to consent.

Consent: The presence of consent involves explicit communication and mutual approval for the act in which the parties are/were involved. A sexual encounter is considered consensual when individuals willingly and knowingly engage in sexual activity. The use of coercion in instances of sexual assault involves the use of pressure, manipulation, substances, and/or force. The absence of "No" is not a "Yes."

The use of alcohol and other drugs: The use of alcohol and other drugs can have unintended consequences. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. The perspective of a reasonable person will be the basis for determining whether one should have known about the impact of alcohol and other drugs on another person's ability to give consent. The use of alcohol and other drugs never makes someone at fault for being sexually assaulted.

4. Procedures for Reporting a Title IX Complaint

- Students may report complaints of sexual misconduct to Student Services, Campus Safety, Title IX Coordinator, or any staff or faculty member.
- Employees may report complaints to Human Resources, Campus Safety, or Title IX Coordinator.