



**POLICY STATEMENT 30
POLICY ON SEXUAL HARASSMENT**

POLICY DIGEST

**Primary Monitoring Unit: Title IX Coordinator
Initially Issued: May 14, 1998
Last Revised: October 29, 2021**

I. PURPOSE

To comply with Section 703 of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, Executive Order No. BJ 2014-14, the Louisiana Board of Regents, Louisiana State University Permanent Memorandum 73 ([PM-73](#)) Policy Prohibiting Sex- and Gender-Based Harassment and Discrimination, including Sexual Misconduct (updated July 1, 2021), and the Permanent Memorandum ([PM-55](#)) Equal Opportunity Policy (updated July 10, 2006). Sexual harassment is a violation of Title IX of the Education Amendment of 1972, which prohibits discrimination based on sex in educational institutions receiving federal financial assistance.

In order for productive learning and the support thereof, members of the LSU Eunice campus community, i.e. faculty, students, administrators, and staff, should pursue their responsibilities guided by a strong commitment to principles of mutual trust and confidence and professional codes of conduct. Sexual Misconduct violates an individual’s fundamental rights and personal dignity and will not be tolerated. LSU Eunice prohibits and is committed to an environment free of discrimination based on sex and Sexual Misconduct. This policy affirms these principles and provides recourse for individuals whose rights have been violated.

See LSU Permanent Memoranda [PM-55](#) (Equal Opportunity Policy), and [PM-73](#) (Policy Prohibiting Sex- and Gender-Based Harassment and Discrimination, including Sexual Misconduct) for further information.

II. DEFINITIONS

Sexual harassment consists of unsolicited and unwelcome sexual behavior. It is coercive or offensive conduct in a non-reciprocal relationship.

- A. "Quid pro quo" sexual harassment consists of requests for sexual favors, either implied or explicit, when submission to such requests is made a condition of continued employment, advancement, improved grades, or participation in a University activity.
- B. "Hostile environment" sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexual flirtation, graphic or degrading comments or gestures of a sexual nature, and the display of sexually offensive objects or pictures. Sexual harassment does not refer to occasional compliments of a socially acceptable nature; it refers to repeated behavior which is unwelcome and personally offensive.

- 41 C. "Sexual assault" consists of unwelcome physical contact of a sexual nature. It includes
42 kissing, stroking, fondling, coerced sexual intercourse, and rape or attempted rape.
- 43 D. A "responsible party" is defined in [PM-73](#) as any employee who has the authority to take
44 action to redress sexual violence or who has been given the duty of reporting incidents of
45 sexual violence or any other misconduct by employees or students to the Title IX
46 Coordinator or designee; or whom an employee or student could reasonably believe has
47 the authority or duty; or any student employees.

48 Further definitions associated with sexual harassment are contained in [PM-73](#).

49 Sexual harassment can occur between members of the same sex as well as members of the
50 opposite sex. It can occur between peers as well as between people who are in a superi-
51 or/subordinate relationship. It can occur between any members of the LSU Eunice campus
52 community, including faculty, staff, and students. An incident of sexual harassment can also
53 occur between a member of the LSU Eunice community and a visitor, patron, client, or
54 contractor working for LSU Eunice.

55 **III. GENERAL POLICY**

56 It is the policy of LSU Eunice that all members of the campus community should be able to enjoy a
57 work and/or educational environment free from sexual harassment. Such conduct as described
58 above – whether committed by supervisors, non-supervisors, faculty, staff personnel, students,
59 visitors, contracted personnel, or others – is prohibited. All members of the university must be
60 aware of sexual harassment, whether intended or inadvertent, and take a proactive stand against
61 it.

62 Supervisors shall take a proactive role in preventing sexual harassment. They must understand
63 LSU Eunice policy and procedure on sexual harassment and enforce acceptable behavior among
64 faculty, staff, and students; observe and be aware of potential sexual harassment behaviors in and
65 out of the classroom; model appropriate behavior; and alert the Title IX Coordinator and AA/EEO
66 Officer or designee should an incident occur.

67 The Title IX/AA/EO Officer or designee shall promote awareness and sensitivity of sexual
68 harassment issues across the campus. Should an incident occur, the Title IX Coordinator and
69 AA/EEO Officer or designee shall take the appropriate steps outlined in the procedure section to
70 resolve the incident in an expeditious and impartial manner.

71 **IV. PROCEDURE**

72 Initial Action(s) by Harassed Party:

73 An individual who feels harassed shall immediately tell the harasser (through face-to-face contact,
74 in writing, or through a third party) to stop what the individual feels is offensive behavior. The
75 individual who feels harassed should also keep records of the incidents.

76 An individual who wishes to make a complaint may use either formal or informal procedures.
77 Complaints must be filed with the Title IX Coordinator and AA/EEO Officer or designee. A person
78 may make a complaint to any member of campus considered to be a "responsible employee".

79 Any complaints made about a member of the university community who uses verbal/physical

80 abuse directed toward an individual or a group based on their sex or who creates a sexually
81 intimidating, hostile working/learning environment shall be addressed immediately. The person
82 shall be told that such behavior is not acceptable and not tolerated at the university.

83 Reporting Misconduct

84 Informal Procedure:

85 A. Within 180 days the complainant shall contact someone whom he/she/they trusts, e.g., a
86 counselor, advisor, faculty member, administrator, or campus security.

87 B. Under all circumstances, this university member must notify the Title IX Coordinator and
88 AA/EEO Officer or designee on campus. If the Title IX Coordinator and AA/EEO Officer
89 is charged with sexual harassment, the complaint shall be filed with the Office of Human
90 Resources.

91 C. The Title IX Coordinator and AA/EEO Officer or designee shall refer to PM-55 and/or
92 PM-73 to investigate the allegations and attempt to resolve the complaint using informal
93 discussion and negotiation. It is important that all communications be kept confidential.

94 Note: If during the informal investigation, it is determined that the violations committed were
95 intentional and/or part of a behavioral pattern, more formal procedures may be initiated at any time
96 by the Title IX Coordinator and AA/EEO Officer or designee.

97 Formal Procedure

98 For a formal complaint, the following procedure shall be taken (See [PM 73](#) for formal complaint
99 process).

100 A. A sexual harassment complaint, in compliance with federal regulations, shall be filed no
101 later than 180 days after the incident occurs.

102 B. The complaint shall include complainant's name and the name of the accused, a
103 description of the alleged incident(s), location, date, and times, names of witness(es), if
104 available, and the desired resolution by the complainant. The formal complaint must
105 have an electronic or handwritten signature (or other designation that the Complainant is
106 the individual choosing to file a Formal Complaint).

107 C. The complaint shall be filed with one of the following:

108 1. LSU Eunice Title IX Coordinator or Deputy Coordinator

109 2. Dean of Students

110 3. A "responsible employee" of the University

111 4. Campus police department

112 5. Local law enforcement.

113 6. Office of Human Resource Management

- 114 7. Confidential Advisors (on campus support services)
- 115 D. Upon notice of a possible complaint, the Title IX Campus Coordinator will provide the
116 Complainant information on reporting options, pursuing criminal charges, health care,
117 counseling, and supportive measures available.
- 118 Anyone, other than the Title IX Coordinator and AA/EEO Officer, receiving a formal
119 complaint alleging sexual harassment must report the complaint to the Title IX
120 Coordinator and AA/EEO Officer or designee immediately or within 24 hours. The Title
121 IX Coordinator and AA/EEO Officer or designee shall refer to PM-55 and/or PM-73 to
122 initiate Title IX procedures detailed in PM-73. The Complainant shall have the discretion
123 and right to decide whether or when to file a Formal Complaint, as the individual's
124 discretion. The Respondent shall have the right to be presumed not responsible of all
125 allegations until found responsible for the alleged conduct by a hearing panel under this
126 policy.
- 127 E. The Title IX Coordinator and AA/EEO Officer or Deputy Coordinator shall inform the
128 Respondent when an investigation commences through written notice. Refer to PM-73
129 for Notice and Investigation, Formal Resolution/Panel Hearing, and Determinations and
130 Sanctions procedures.
- 131 It is strongly suggested that individuals who have been accused of sexual harassment
132 contact any of the following persons for assistance and advice:
- 133 1. Deans
 - 134 2. Supervisor
 - 135 3. Appropriate Vice Chancellor
 - 136 4. Title IX Coordinator and AA/EEO or Deputy Coordinator
 - 137 5. Legal counsel
 - 138 6. Campus police department
 - 139 7. Office of Human Resources Management
- 140 F. During the entire process, confidentiality must be maintained. Thus, dissemination of
141 information relating to the case shall be limited in order that the privacy of all individuals
142 involved is protected as fully as possible.
- 143 G. The complainant and any witnesses shall be protected from any intimidation or
144 retaliatory action by those named in the complaint.

145 VI. APPEALS PROCEDURE

146 Any party may appeal a Hearing Panel determination. Notice of Appeal must be in writing and
147 shall be forwarded to the Title IX Campus Coordinator within 10 business days of email
148 notification of the Hearing Panel decision. The Notice of Appeal shall contain the following
149 information:

- 150 A. Name of the Complainant and Respondent,
151 B. Identify the ground(s) for appeal, and
152 C. If the appeal is based upon discovery of new information, a description/documentation of
153 the new information and reason it was not discoverable prior to the Hearing Panel
154 hearing.

155 Upon receipt of the Notice of Appeal, the Title IX Coordinator, within two business days of
156 receipt of the Notice of Appeal, shall:

- 157 A. Confirm receipt of the Notice of Appeal to the appealing party,
158 B. Notify any other party of the appeal, and
159 C. Contact the LSU Title IX Coordinator (if appeal went to a campus coordinator)

160 The LSU Title IX Coordinator, or designee, and the LSU Eunice Title IX Campus Coordinator
161 shall, within 10 business days of notice, review the Notice of Appeal. If the required elements for
162 the appeal exist, the LSU Title IX Coordinator shall:

- 163 A. Appoint reviewer(s) (no more than three),
164 B. Notify the parties of the identity of reviewer(s), and
165 C. Provide the parties five business days to challenge the reviewer(s) for conflict of interest
166 or bias.

167 The Title IX Campus Coordinator shall forward the appellate record to the reviewer. The record
168 shall include, but is not limited to:

- 169 A. All evidence introduced at the hearing,
170 B. Any pre-hearing determinations from the Hearing Panel Chair,
171 C. The written findings of the Hearing Panel, and
172 D. The recording of transcript of the formal hearing

173 Within 10 business days of receipt of the appellate record, the reviewer(s) shall render a written
174 decision including finding and rationale and forward to the LSU Title IX Coordinator. The LSU
175 Title IX Coordinator shall notify the LSU Eunice Title IX Campus Coordinator who shall then
176 notify the parties and Advisors within two business days of receipt of the decision.

177 Appeal decisions are final. In the event of remand for rehearing, the subsequent Hearing Panel
178 outcome may be appealed in accordance with the provisions herein. Any appeal right exercised
179 under this policy shall complete the process.