

# LOUISIANA STATE UNIVERSITY AGRICULTURAL CENTER

Effective Date: September 20, 1990

AG CENTER PS-19  
Version: 0

## SEXUAL HARASSMENT

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### Purpose

To state the LSU Agricultural Center's position, policy, and responsibility regarding sexual harassment as related to its employees.

### Definitions

1) *Sexual harassment* - a form of unlawful sexual discrimination. It is defined as unwelcome verbal or physical behavior of a sexual nature. A man as well as a woman may be the victim of sexual harassment or the initiator of sexual harassment. The victim does not have to be of the opposite sex of the initiator. Sexual harassment includes both "quid pro quo" and "hostile environment" unlawful discrimination. Both are defined below.

2) *Quid pro quo sexual harassment* - involves situations where unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are made either explicitly or implicitly a term or condition of an individual's employment and submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual. In these situations, the

employee is forced to choose between submission to sexual demands or the loss of job benefits, promotions, or employment. Quid pro quo sexual harassment typically involves an authority relationship in which the recipient is vulnerable with respect to employment so that objection to the demands may have negative consequences. Examples of such potential relationships include supervisors and subordinates, employers and job applicants and other relationships in which one person has the potential to reward or penalize another in regard to their employment role.

3) *Hostile environment sexual harassment* - unwelcome verbal or physical conduct of a sexual nature in which the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Hostile environment sexual harassment may exist even in the absence of a quid pro quo sexual harassment or the absence of an authority relationship. Examples include unwelcome touching or suggestive comments, offensive language or display of sexually oriented materials, obscene gestures, and similar sexually oriented behavior of an intimidating or demeaning nature.

*Employees* - all persons having an employment relationship with the LSU Agricultural Center.

## **Policy Statement**

Consistent with Title VII of the Civil Rights Act of 1964, as amended, the Ag Center reaffirms and emphasizes its commitment to provide a workplace free from sexual harassment and to provide a means to remedy sexual harassment that employees may have experienced.

The intent of this policy is to express the Ag Center's commitment and responsibility to protect its employees from sexual harassment. It is not intended to infringe upon constitutionally guaranteed rights nor upon academic freedom. In considering allegations of sexual harassment, the Agricultural Center must be concerned with the rights of both the accused and the accuser.

All proven cases of sexual harassment shall result in appropriate disciplinary action. The severity of the disciplinary action shall be consistent with the seriousness of the act of sexual harassment. Additionally, under appropriate circumstances, the Ag Center may take action to protect its employees from sexual harassment by individuals who are not employees of the Ag Center.

## **Procedure**

Because sexual harassment may involve a wide range of sexually oriented behaviors and is, in part, a function of the way in which such behaviors are perceived, the way in which a given incident is appropriately treated depends on its effect upon the recipi-

ent as well as upon the specific behavior itself. For example, simply informing the initiator through verbal or written communication that the behavior is unwelcome and should cease may be sufficient to end it. On the other hand, the situation may be such or the behavior may be so extreme that the recipient is unwilling or unable to deal with it in this way.

To help the recipient determine how best to remedy sexual harassment, as well as to ensure that appropriate measures are taken when warranted, anyone who believes himself or herself to have been subject to sexual harassment may make use of both informal and formal resolution procedures.

Both sets of procedures will operate under the general principles of due process and confidentiality and must provide that a charge of sexual harassment is carefully reviewed to determine whether the conditions in the preceding definition have been met and to further provide that constitutionally provided rights of both the accuser and the accused are protected. The procedure established for determining the guilt or innocence of employees charged with sexual harassment meets the test of fairness, reasonableness, and equal protection as required by law. No Ag Center disciplinary action for sexual harassment shall be imposed as an Ag Center employee except in accordance with the provisions of this policy statement.

### **Informal Procedures**

An employee who believes he/she has been subjected to sexual harassment may bring it to the attention of an administrative officer

responsible for that unit. The employee may prefer, however, to discuss the matter initially with Ag Center personnel designated to have general responsibility for sexual harassment matters. These designated individuals are the Ag Center Director of Human Resource Management and the Louisiana Cooperative Extension Service Assistant Director for EEO/Civil Rights. The person receiving the complaint must provide the complainant with a copy and explanation of this policy statement. Any administrative officer receiving a complaint under this policy must provide notice to the Ag Center Human Resource Management Office that an allegation of sexual harassment has been made.

Although considerable latitude exists in how a charge of sexual harassment is addressed informally, informal resolution requires that the accuser, the accused and the accused's administrative superior all be willing to seek informal resolution of the matter. Any of the parties may decline informal resolution and proceed to the formal resolution process. If the matter is resolved informally, both the accused and the accuser should signify in writing their agreement with the terms of the informal resolution and this agreement should be witnessed in writing by the accused's administrative superior.

### **Formal Procedures**

If an attempt at informal resolution is unsatisfactory to the complainant, the accused, or the accused's superior; if the sexual harassment continues after informal procedures have been exhausted; or if the complainant, the accused, or the accused's superior is

unwilling or unable to deal with the situation under the guidelines for information procedure, the complainant may file a formal charge of sexual harassment.

Formal procedures requires the complainant to file a signed, written statement alleging sexual harassment, which must include the following: the name of the complainant; the name of the accused; the nature of the alleged violation s defined in this policy statement; the date(s) of the occurrence(s); the names of any witnesses to the occurrence(s), the place(s) of the occurrence, and the resolution(s) sought. Filing and signing this statement indicates a willingness on the part of the complainant to appear before a review panel.

The complainant should file the statement of sexual harassment with one of the individuals designated to have general responsibility for sexual harassment matters: the Ag Center Director of Human Resource (103A LSU Agricultural Center Building, 504/388-2258) or the Louisiana Cooperative Extension Service Assistant Director for EEO/ Civil Rights (102H LSU Agricultural Center Building, 504/388-6929 or 115 Knapp Hall, 504/388-4234). These individuals will advise and assist the employee in understanding review procedures.

The individual receiving the statement will immediately notify the unit head or supervisor of the person against whom the allegation is made. If appropriate, that unit head or supervisor should immediately suspend any authority relationship between the complainant and the accused. The individual receiving the statement will also

request that the Office of the Chancellor select and convene a panel to consider the allegation.

In no case shall a finding that an employee is guilty of sexual harassment result in any sanction less than the placing of a written reprimand in the employee's permanent file maintained in the Ag Center Human Resource Management Office.

The use of this formal procedure in no way limits a resolution that is agreeable to all parties at any stage; however, any such mutually agreed resolution must be documented in writing and signed by the accuser, the accused, and the administrative superior of the accused.

### **Other Resources**

Although this policy statement establishes Ag Center policy and procedures regarding sexual harassment, employees have the right to seek redress of unlawful discrimination (of which sexual harassment is one example) by filing charges directly with the Equal Employment Opportunity Commission.