

LOUISIANA COMMUNITY & TECHNICAL COLLEGE SYSTEM
Policy # 6.011

Title: Harassment, Discrimination and Retaliation

Authority: Board Action

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The Louisiana Community and Technical College System (LCTCS) seeks to maintain a workplace that fosters respect and promotes a harmonious and productive working relationship. LCTCS prohibits discrimination and/or harassment based on race, color, religion, sex (including identity and pregnancy), national origin, age, disability, genetic information, veteran status and/or any other basis protected by federal or state law by any person, applicant, vendor or contractor. LCTCS also prohibits retaliation against any individual who reports discrimination or harassment, or who participates in an investigation into discrimination or harassment.

Harassment shall mean physical, verbal and/or visual conduct that is based on an intimidating, offensive, or hostile environment, which interferes with work performance.

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature, when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or academic credit or interferes with a person's performance, or 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.

Racial slurs, ethnic jokes, obscene gestures, posting of offensive statements, posters or cartoons, or other similar conduct based on race are examples of racial harassment.

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.

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 harass 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.

Complaints

Every employee is responsible for reporting any unacceptable behavior or environment which may violate this policy. 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 institution's human resource department. All institutions are required to 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. No 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 institution 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 S. Foster Dr., Baton Rouge, Louisiana 70806. Each campus is required to provide to employees a copy of this policy and post a poster with contact list identifying individual names, titles, physical location and telephone number where complaints may be filed.

Complaints of harassment will be taken seriously, investigated promptly and in as impartial and confidential a manner as possible. A member of human resources will conduct investigations, unless circumstances dictate otherwise.

For an individual to make an intentionally false and/or malicious accusation of harassment, discrimination, and/or retaliation is a violation of this policy. Any individual found to have done so will be subject to disciplinary action, up to and including termination. This is not intended to discourage complaints and/or reports when there is sincere belief that harassment, discrimination, and/or retaliation occurred.

LCTCS will not tolerate any type of discipline or other form of 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 harassment. All employees are required to fully cooperate in any investigation. False charges are treated as serious offenses and may result in disciplinary and/or civil action.

Consequences of Violations

Any employee who is found, after appropriate investigation, to have engaged in conduct prohibited by this policy shall be subject to appropriate disciplinary action up to and including termination of employment. Also, any person or business found in violation of this policy may be prohibited from conducting business with the institution involved.

Complaint Form

Name of Complainant: _____ Date form completed: _____

Department/Institution: _____

Home Phone: _____ Business Phone: _____

1. Charge of discrimination based on:

- | | |
|---|--|
| <input type="checkbox"/> Race/Color | <input type="checkbox"/> Sex |
| <input type="checkbox"/> Sexual Orientation | <input type="checkbox"/> Religious Creed |
| <input type="checkbox"/> National Origin/Ancestry | <input type="checkbox"/> Disability or Medical Condition |
| <input type="checkbox"/> Age | <input type="checkbox"/> Other _____ |

2. Please provide the following information (use an attached sheet if necessary):

- 1) Date(s), time(s), and location(s) of the incident/incidences that took place

- 2) Description of each incident: e.g., Was any physical contact made? What was said and/or done? etc.

- 3) Name(s) of anyone present during each incident

- 4) Anyone with whom you've discussed the incident/incidences

Comments:

Complainant Signature: _____ Date: _____

Complaint Recipient Signature: _____ Date: _____

LCTCS COMPLAINT INVESTIGATION FORM

Investigator: _____ **Date:** _____

Complainant: _____ **Location/Dept.:** _____

- Take the complaint seriously and inform Director of Human Resources
- Make arrangements to conduct investigation immediately – don't delay. Assure that the complainant is comfortable with the person(s) assigned to conduct the investigation.
- Determine appropriate person to conduct the investigation.
- Have a witness during the investigation.
- Document the facts each step of the investigation beginning with initial complaint.
- Maintain the confidentiality of the investigation – limit to those involved and those with a need to know.

1. Interview the complainant Explore the allegations thoroughly and ask follow-up questions as needed.

- Who was the alleged harasser?
- What is your relationship with the accused (i.e. subordinate, co-worker, personal friend)?
- What exactly happened/nature of the harassment (comments, touching)?
- When and where did the incident(s) occur? Be specific: dates & times.
- Was the incident limited to one instance or was it continuing in nature? Explain.
- How did you react to the incident(s)?
- What did you tell the alleged harasser?
- Can any witnesses be identified (I may need to speak to them)?
- Is there any other evidence of the incident occurring?
- Are you aware of any other employees that may have experienced the same or similar...?
- Why the delay in reporting the incident (if not immediate)?
- Are you aware of the system's harassment policy? (provide a copy)
- Was there a specific reason for the harassment, i.e. intimidation, retaliation, or attraction?
- How were you and your work affected by this?
- Did you discuss the incident with anyone else?

- What is your desired result?
- Express a genuine concern and assure the employee that you will take the complaint seriously.
- Inform him/her that retaliation will not be tolerated, and that you will follow up after the investigation.
- Instruct him/her to keep the incident & contents of discussion confidential as to not impede the investigation.

2. Interview the Alleged Harasser

- Determine if any past problems have occurred in this or other areas.
- Inform the accused/alleged harasser of the claim (as specific as necessary) and afford an opportunity to respond to the allegations.
- Listen and document carefully.
- Are you aware of the system's harassment policy? (give a copy)
- Are there any witnesses to substantiate his/her position?
- What is your relationship with the complainant?
- Communicate **NO** tolerance of retaliation, i.e. mistreatment of the complainant
- Be sensitive, yet firm
- Let him/her know how you intend to proceed and that confidentiality will be maintained to the extent possible, keeping the investigation on a need to know basis.
- Instruct him/her to keep the incident & contents of discussion confidential as to not impede the investigation.

3. Resolve the complaint

- Interview witnesses (consider whether to interview before or after the alleged harasser).
- Was policy violated?
- Was conduct of a sexual nature? Was the sexual conduct unwelcome?
- Was harassment *quid pro quo* or *hostile work environment*?
- Was the complainant a participant?
- What is the emotional character of the complainant?
- What is the accused/alleged harasser's emotional character?
- How does the complainant want it handled?

4. Follow up

- With the complainant, accused/alleged harasser, witnesses, or anyone else who has an ***absolute need to know***.
- Apply appropriate disciplinary action.

FAILURE TO INVESTIGATE PROMPTLY AND TAKE PROMPT REMEDIAL ACTION
MAY SUBJECT EMPLOYER TO LIABILITY