

Northwestern State University Student
Support Services 241A Kyser Hall - (318) 357-5901

Natchitoches Regional Medical Center
501 Kyser Avenue - (318) 214-4200

Natchitoches Parish District Attorney Court House
200 Church Street Natchitoches, LA
(318) 357-2214

Crisis Pregnancy Center of Natchitoches
107 North Street
Natchitoches, LA - (318) 357-8888
(Assists with rapes not necessarily leading to pregnancy)

Sexual Harassment

The possibility of sexual harassment exists in relationships between people of the same or different gender. It may occur in various relationships, i.e., between a supervisor and employee, faculty and student, student and student, employee and employee, between members of student organizations or other university entities, etc. The University's policy on sexual harassment and procedures for reporting allegations of sexual harassment are contained on the pages that follow.

This section is designed to help students, staff, faculty, and administrators of Northwestern State University understand and comply with the prohibitions against sexual harassment. These prohibitions were established by Title IX of the Education Amendments of 1972, Title VII of the Civil Rights Act of 1962, amended, Supreme Court rulings such as *Davis v. Monroe Co. Board of Education*, and state laws.

Sexual harassment of students, which includes sexual violence, is a form of sexual discrimination and is prohibited by Title IX. In its sexual harassment policy, Northwestern State University endeavors to respond promptly, effectively, and appropriately to all allegations. Allegations of harassment involving students should be reported to the Dean of Students. Students may attempt to resolve issues in an informal or formal manner. Students following an informal process may switch to the formal process at any time. All parties involved in the formal process are afforded due process as prescribed in the NSU Student Code of Conduct. Every complainant has the right to be notified of the time frame of the resolution of complaints. Every complainant has the right to be present at his or her case. Every complainant has the right for the case to be decided using a preponderance of evidence standard. Every complainant has a right to be notified in writing of the outcome of a complaint. All parties have a right to be informed of the outcome of disciplinary proceedings alleging a sex offense.

NSU Policy on Sexual Harassment

No employee or student at Northwestern State University shall be subjected to unsolicited and unwelcome sexual conduct, either verbal or physical. Sexual harassment violates University policy as well as state and federal laws and is specifically prohibited. It is neither permitted nor condoned.

Members of the University community, students, staff, faculty and administrators are entitled to a professional environment free of harassment or interference for reasons unrelated to the performance of their duties. Since some members of the community hold positions of authority that may involve the legitimate exercise of power over others, it is their responsibility to be sensitive to that power to avoid actions that are abusive or unprofessional. Faculty and supervisors, in particular, in their relationships with students and fellow employees, need to be aware of potential conflicts of interest and the possible compromise of their evaluative capacity. Because there is an inherent power difference in these relationships, the potential exists for the less powerful person to perceive a coercive element in suggestions regarding activities outside those appropriate to a strictly professional relationship. It is the responsibility of faculty, staff and students to behave in such a manner that their words or actions will not reasonably be perceived as suggestive or coercive.

It is also a violation of this policy for any employee or student at the University to attempt in any way to retaliate against a person who makes a claim of sexual harassment.

Definition of Sexual Harassment

Sexual harassment is unwelcome sexual advances, including requests for sexual favors and other verbal or physical conduct of a sexual nature, when:

- Such conduct has been or is sufficiently severe and pervasive that it has the effect of substantially and unreasonably interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment, or adversely affecting any student.
- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting the individual; or living environment, or adversely any student.
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or offensive employment, educational, or living environment, or adversely affecting any student.
- Other unwelcome conduct directed at an applicant, employee, or student because of his or her gender may also be deemed to be sexual harassment.
- A single incident, if severe and pervasive, may be considered harassment.

Although the intent of the person engaging in the conduct may be harmless or even friendly, it is how such conduct is welcomed by the recipient of the conduct, not the intent of the person engaging in the conduct that is relevant to whether the conduct is harassment. Unwelcomed sexual conduct may not always be apparent. "Putting up with" or submission to sexual conduct does not necessarily mean the conduct is welcome.

Sexual harassment may occur in relationships involving mutual consent. The potential for sexual harassment exist where there is a professional power differential (e.g., faculty/student, administrator/student, supervisor/employee, and tenure/non tenured). Persons involved in such relationships should be aware of the possibility of perceived coercion.

The following situations, if sufficiently severe and pervasive, may rise to the level of sexual harassment:

1. Verbal conduct of a sexual nature such as talking about sex or sexual feelings, telling sexual jokes or stories, asking personal questions about dating or sexual life, making sexual comments or innuendo, whistling or making other suggestive sounds, repeatedly asking for dates or other personal attentions.
2. Nonverbal conduct of a sexual nature such as displaying materials with sexually suggestive words or pictures, making sexual gestures, and giving gifts or other items of a sexual or personal nature.
3. Physical conduct of a sexual nature such as touching, kissing, hugging, messaging, brushing up against another person, having sex or attempting to have sexual relationships with another person.

NSU does not condone or authorize any kind of retaliation against any student or employee who had made a good faith report of conduct which he or she believes may constitute harassment, discrimination, or retaliation, opposed any prohibited discriminatory practice, or has participated in any manner in an investigation or other proceeding about a prohibited discriminatory practice.

1. No hardship, no loss of benefit, and no penalty (lowered grade, removal from a program, loss of a scholarship or financial aid, etc.) may be imposed on an employee or student as punishment for:
 - a. filing or responding to a bona fide complaint of discrimination or harassment;
 - b. appearing as a witness in the investigation of a complaint; or
 - c. serving as, or assisting, an investigator or otherwise acting to enforce the policy
2. Retaliation or attempted retaliation is a violation of this Policy and anyone who does so will be subject to severe sanctions.

Filing Complaints

All informal complaints submitted, in writing, to the University are forwarded to the appropriate VP. The VP will disperse the information to the individual who directly supervises the identified area in the written complaint.

This individual will review the complaint and take appropriate action for resolution in a prompt and professional manner (typically within a two week period). Northwestern State University is well-known as a “responsive” university and seeks to address all issues in a professional manner with both internal and external constituents. For more information on filling complaints on a students or student organization see Article V section 1.

Cyberbullying

Cyberbullying involves the use of information technology (email, websites, social networking, internet messaging, or any other technology) for hostile behavior to harm or to upset others. A person cannot easily get away from cyberbullying since using email and the internet are everyday practices. For more information on bullying, visit the following sites:

http://www.northjersey.com/news/117784038_lawmakers_refile_bill_on_cyberbullying.html

http://the_fire.org/article/12945.html

<http://rusecure.rutgers.edu/content/cyberbullying>

<http://oirap.rutgers.edu/msa/documents/catalogs-harrasment-policy.pdf>

Procedures for Filing Complaints

Any University employee, student, staff member, faculty member, administrator, or other member of the University community who believes that he or she has been sexually harassed may seek to resolve the matter through the informal as well as the formal procedure described below. Complaints will be handled informally while grievances may involve a formal investigation and may result in hearings. If a satisfactory resolution is not reached informally, the complainant may follow the grievance procedure.

Complainants are encouraged to follow the procedure outlined to resolve a sexual harassment complaint. However, the University recognizes that matters of this sort may often be awkward or embarrassing to individuals and that in some cases the complainant may find it difficult to discuss these matters with one or more of the designated university officers. Therefore, in addition to the university officer or administrator already designated in the process described below, the Complainant may also seek the assistance of Minority Affairs, the EEO/AA Director, or any other supervisory personnel.

NSU does not condone or authorize any kind of retaliation against any student or employee who had made a good faith report of conduct which he or she believes may constitute harassment discrimination or retaliation, opposed any prohibited discriminatory practice, or has participated in any manner in an investigation or other proceeding about a prohibited discriminatory practice.

Informal Complaint Resolution

In most instances, in the interest of collegial relationships, complaints or concerns should be initially expressed to the individual(s) involved.

If individuals who believe they have been the subject of sexual harassment or sexual intimidation (hereinafter referred to as “Complainants”) have been unable, for whatever reason, to resolve the matter with the individual(s) involved, they should consult with the appropriate University personnel (hereinafter referred to as “University Officer(s)”) and orally present and discuss such complaint in an attempt to resolve the matter.

University Officers:

Dean of Students
Room 234 Student Union
318-357-5286

Vice President of University Affairs
Infirmary Bldg.
318-357-5701

Vice President for Academic/Student Affairs
101 Roy Hall
318-357-5361

Vice President of External Affairs
103C Prather Coliseum
318-357-6466

Vice President for Business Affairs
St. Denis Hall
318-357-4254

Exec. Director at Ft. Polk
Room 108 C Leesville, LA
318-238-6420

Exec. Director CENLA
Director of Student Services
Debbie Moore
318-487-5098

Nursing Center Shreveport
Room 409 Nursing Ed. Ctr.
318-677-3100

Director of Planning, Assessment & EEO
Room 207 Roy Hall
318357-5875

Coordinator of Human Resources
Room 137 St. Denis Hall
318-357-6152

Director of Counseling and Career Services
Room 305 Student Union
318-357-5621

- Students may contact the Dean of Students, Room 234 Student Union for assistance in informal resolutions. The Dean of Students or his or her designee may also assist a student throughout the process as requested by the student.

- Student employees may also consult their supervisor, that person's supervisor if the complaint is against the immediate supervisor, or the Dean of Students.

Upon receiving the initial complaint, the University Officer will schedule a preliminary meeting to discuss the charges, to complete a Sexual Harassment Complaint Checklist (form A), to determine whether further information is needed, to provide the Complainant with an understanding concerning proper procedures for resolving such disputes, and to attempt to resolve the matter. Attempts to resolve the matter can include, but are not limited to, such options and alternatives as further investigation, discussions with both parties, discussions with other pertinent individuals, mediation and/or compromise.

- If the University Officer and the Student Complainant are able to resolve the matter or if the Complainant does not want to proceed with the complaint, the above described University Officer will make a record of the complaint and will take such action to protect the interest of all parties.

- If student Complainants want to proceed with their complaints, the Dean of Students will assist them in initiating the formal grievance process.

- If student employee Complainants want to proceed with their complaint, they should pursue any such complaint with the Vice President who supervises their structural working unit. The Complainant should so advise the University Officer of such decision so that the Sexual Harassment Complaint Checklist and any other pertinent documents can be forwarded to the appropriate Vice President.

- If the student employee Complainants' discussion with the Department, Division Head, Dean, or Vice President does not satisfactorily resolve matter, the Complainant may file a written grievance form. Employee Complainants can obtain this form from the EEO/AA Office.

Formal Grievance Procedures

If either party deems the informal proceedings inappropriate, for whatever reason, or if the matter is not resolved through the informal process, the Complainant may initiate the formal grievance procedure. Student Complainants should follow the grievance procedure as outlined in the Student Code of Conduct. (Appendix I).

- Staff member Complainants are directed to the University Planning, Assessment, and EEO Officer for the grievance procedure which should be followed (Room 207 Roy Hall).

Confidentiality

- NSU wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation.