

**OFFICE OF THE CHANCELLOR**  
**University of New Orleans**

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Administrative Policy & Procedure

AP 08.03

Effective: 12/01/2007

*Supersedes AP 08.01 Sexual Harassment, dated 02'24/1989; AP 08.02 Americans with Disabilities Act, dated 11/15/1993; and all University of New Orleans ("University" or "UNO") policies and procedures*

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**SUBJECT:** Discrimination, Harassment and Retaliation

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**PURPOSE:** Provide a uniform policy which ensures adequate reporting methods available to any employee, student, or applicant of the University of New Orleans who believes that he or she has been the subject of unlawful discrimination, harassment (including sexual harassment) or retaliation by another employee or student.

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**AUTHORITY:**

*Article VII, Section 4, By-Laws and Regulations of the Board of Supervisors of the Louisiana State University System.*

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**OBJECTIVE**

To ensure compliance to the provisions of Title IX, Title VI, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, Title VII, the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act (ADA), Pregnancy Discrimination of 1978, Equal Pay Act of 1963, and Immigration Reform and Control Act of 1986, and Vietnam Era Veteran's Readjustment Assistance Act of 1974, applicable state law and LSU System policies (PM-55).

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**APPLICABILITY**

This policy prohibits discrimination and harassment involving current employees, enrolled students and applicants of UNO. This policy also prohibits retaliation against any employee, student, or applicant for reporting or assisting in the investigation of prohibited conduct. This policy applies to (1) all aspects of the employment relationship; (2) admission and treatment of students in the University's educational programs and activities; and (3) participation in or access to University sponsored programs, activities or facilities.

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**GENERAL POLICY**

It is the policy of UNO to maintain an environment free from discriminatory practices, harassment (including sexual harassment) and retaliation. It is a violation of UNO policy to discriminate against any employee, student, or applicant on the basis of that individual's race, creed, color, marital status, sexual orientation, religion, sex, national origin, age, mental or physical disability, or veteran's status. The policy requires that all employees, students, and

applicants be treated fairly with regard to all aspects of the employment and educational relationship.

**Discrimination** occurs when a person is treated less favorably than a similarly situated person or is subjected to harassment because of his/her race, creed, color, marital status, sexual orientation, religion, sex, national origin, pregnancy, age, mental or physical disability, or veteran's status.

**Harassment**, a specific form of discrimination, is verbal or physical behavior the purpose or effect of which is to create an offensive, hostile, or intimidating environment. Harassment can occur as a result of a single incident or a pattern of behavior. Sexual harassment may include but is not limited to sexual advances, requests for sexual favors, unwelcome sexual suggestions or other verbal or physical behavior of a sexual nature.

Other examples of prohibited harassment include, but are not limited to, the following:

- Offensive racial, ethnic, religious, age-related, or sexual jokes
- Racial, ethnic, religious, age-related, sexual insults or slurs
- Distributing or displaying offensive or obscene pictures, cartoons or objects
- Using voice mail, e-mail or other electronic devices to transmit offensive jokes insults, derogatory or discriminatory information
- Unwanted touching and contact
- Requests for sexual favors or suggestions of a sexual nature
- Making repeated, unwelcome sexual comments, advances, or innuendoes
- Incidents of physical and sexual assault
- Unwelcome exposure, gestures or motions

The University also prohibits retaliation against an individual who has engaged in protected conduct. **Protected conduct** consists of (1) opposing a practice made unlawful by one of the employment discrimination statutes or prohibited by University policy; or (2) filing a complaint about such practice, or (3) testifying, assisting, or participating in any manner in an investigation or other proceeding related to such a complaint.

The University will take prompt and appropriate action to prevent, correct, and if necessary, discipline behavior that violates this policy.

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## COMPLAINT PROCEDURE

1. **FILING A COMPLAINT.** Any member of the University community who believes that he or she has been subjected to conduct prohibited under this policy has a right to file a complaint. No student, employee or applicant is required to make a complaint of discrimination to the person who is engaging in or has engaged in the conduct that is the basis for the complaint. To file a complaint:
  - a. **Students** should contact Student Affairs or the Equal Employment Opportunity Compliance Officer,

- b. **Employees** should contact any Supervisor (including Department Chairs, Deans, Directors and Vice Chancellors), the Office of Human Resource Management, or the Equal Employment Opportunity Compliance Officer.
- 2. RECEIVING A COMPLAINT.** Any manager, supervisor or faculty member who receives a complaint or becomes aware of a possible violation of this policy is required to immediately notify the Equal Employment Opportunity Compliance Officer or the Office of Human Resource Management to obtain advice and assistance in responding to the complaint. Every member of the University community is encouraged to report possible violations of this policy to the EEO Compliance Officer or HRM. Students may also report such complaints to Student Affairs.
- 3. INVESTIGATING A COMPLAINT.** The Equal Employment Opportunity Compliance Officer will investigate complaints of unlawful discrimination. Complaints will be addressed promptly and effectively. The complaining party must provide sufficient information to allow for a thorough investigation of the facts, including the name(s) of the alleged discriminator(s), the date, time and place of any alleged incidents and the names of witnesses to any such alleged incidents. Information obtained regarding the complaint will be kept confidential to the extent possible and will be disclosed only on a need-to-know basis for purposes of investigation or subsequent disciplinary action.
- 4. NOTIFICATION OF OUTCOME.** The complainant and the individual who is the subject of the complaint will be notified as to the outcome of the investigation. Substantiated violations of this policy will result in appropriate discipline or corrective action in accordance with the disciplinary procedures contained in the applicable Faculty or Staff Handbook or Student Judicial Code.

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Timothy P. Ryan  
Chancellor