

## CHAPTER ONE

### INTRODUCTION

#### A. *History of the University*

The Jesuit order, also known as the Society of Jesus, was established in the sixteenth century by St. Ignatius Loyola, under the approval of Pope Paul III. From its inception the Jesuit mission has been educational.

The Society of Jesus first came to Louisiana in 1723 to work with the Native American population. More than a century later, in 1847, steps were taken to establish a college of liberal arts and sciences. The following year the Jesuits purchased property at the corner of Baronne and Common Streets in New Orleans, and on February 1, 1849, a college preparatory academy and the College of the Immaculate Conception accepted their first students. The College was organized in the European manner, taking boys from age twelve and, in six or seven years, giving them what today would be called their high school and college training. It is to this college that Loyola University New Orleans traces its origin.

In 1904 another New Orleans academy and college were opened, these on St. Charles Avenue opposite Audubon Park. These associated institutions were known as Loyola College. A few years later, in 1911, the Society of Jesus reorganized its New Orleans schools, the College of the Immaculate Conception and Loyola College uniting on the nineteen-acre St. Charles Avenue site, which is the present location of Loyola University. At the same time the two preparatory academies united at the Baronne Street location, becoming the present Jesuit High School.

At the request of His Excellency, the Most Reverend James J. Blenk, Archbishop of New Orleans, Loyola College was expanded to become Loyola University in the fall of 1911. The University was duly incorporated by the General Assembly of Louisiana and empowered to grant all University degrees in 1912.

Loyola University New Orleans has continued to evolve over the years, seeking always to respond to the changing needs of its students and the community. In the 1960s LUCAP (the Loyola University Community Action Program) was established as a service organization for economically and culturally deprived citizens and as a community forum for the airing of issues concerning social justice. At the same time the Upward Bound program was created to give academic opportunities to students who might otherwise not have pursued a higher education.

The physical campus has also continued to grow. In the 1960s a new science building was erected; in the 1970s a new law building was built, and another building was thoroughly renovated to house the humanities departments. In the 1980s the Music-Communications building was constructed and the Broadway Campus was acquired. The former Mercy Academy was purchased in the 1990s. While the ongoing physical development of the campus bespeaks a kind of health, the educators at Loyola University New Orleans are most proud of their institution's ability, since 1911, continually to

address the most deeply significant moral and intellectual demands of our society and world. It is to this historical tradition that Loyola remains firmly committed.

## **B. *Goals of Loyola University New Orleans***

The following statement represents many months of work by faculty, administrators and students at Loyola. It was mandated by the Council on Academic Planning, approved by the Standing Council for Academic Planning and approved in July 1971 by the Board of Trustees. Revisions proposed by the Standing Council for Academic Planning and approved by the Board of Trustees in July 1973, January 1977 and May 1983 are incorporated in this edition of the Goals Statement.

### ***Loyola University New Orleans is a Catholic Institution***

Loyola University New Orleans, as a Jesuit university, is committed to the belief that Christianity presents a world view which is meaningful in any age. Although the message of Christianity is not wedded to any given philosophy, science, art or politics, it is still not compatible with every point of view.

The person is central in a Catholic university. Its task is to equip its students to know themselves, their world, their potential and their Creator. To perform this function properly, it must strive to be one academic community composed of administrators, faculty, and students, both laypersons and clerics. This community must be composed in a manner fitting to our pluralistic society and ecumenical age. It can, therefore, be made up of many whose modes of commitment to university aims differ: of those who have dedicated their lives to the Christian faith commitment, of those who live non-Christian faith commitments, and of some who live no formal faith commitment at all. Religious and non-religious, Christian and non-Christian, all will dedicate themselves to the mission of this Catholic university, each in his or her own way. All will cooperate in the search for truth, either by exploring the inner dynamism of Christianity and its implications for the present or by provoking the quest for truth in others. All are bound together by a common search for knowledge. All are dedicated to the discovery and promulgation of truth.

The community in quest of truth has a reverence for creation, not only the creations of God and the creations of people, but for life itself as a fountain of creativity. Reverence for creation fosters universal concern and dedication. All who are concerned for and dedicated to the truth are welcome in the Loyola University New Orleans community. Only those who condemn the commitments of those who seek the truth will not find a home here.

The Catholic university must foster among its students, its faculty, and the larger community a critical sense. To think critically one must have a place to stand. Criticism must be based upon agreement on basic values and principles. Without this there can be no meaningful disagreement. Loyola University New Orleans stands on its Catholic commitment. This commitment is not the end of a search, but the beginning of an inquiry

into other traditions, other regions, other religions. Loyola seeks to hand down a heritage even as it learns and teaches methods of thinking which will revivify the heritage and breach new frontiers of knowledge.

Because Loyola University New Orleans is committed to the Christian tradition, it should support excellence in theological instruction and scholarship as well as recognize the pre-eminent place of theology among the disciplines of higher learning. Catholic teaching should be presented in some structured way to aid the student to form her or his own world view.

Rapid change is a feature of contemporary life. Education should equip students to meet the rapid developments they will encounter and should enable them to make sound judgments as values undergo constant scrutiny. It is the tradition of the Society of Jesus to discern what is good and true in the movements of history. Loyola University New Orleans pledges itself to educate its students to meet change with equanimity, good judgment and constructive leadership. Innovations in the direction of a more Christian and just structure for society are expected of the Loyola community, its alumni and its friends.

Loyola University New Orleans is committed to a serious examination of those conscious and unconscious assumptions of contemporary American civilization that tend to perpetuate societal inequities and institutional injustices. In this endeavor it is particularly concerned with those prevalent economic, judicial and educational attitudes which are inconsistent with the social teachings of the Church.

### ***Loyola University New Orleans Concentrates on Liberal Education***

Loyola University New Orleans intends to achieve its goal of integrating the vision of faith with the remainder of human knowledge by concentrating on the liberal education of its students. While Loyola emphasizes studies in the liberal arts, it is also committed to professional study. Liberal studies assist a student to broaden and deepen convictions; professional studies assist a student to actualize convictions. Planning and efforts, therefore, are to be centered on the achievement of excellence in liberal and professional education.

Loyola University New Orleans is aware of the need for innovation in undergraduate education. Because of its size and independent status, Loyola is in a unique position to explore new programs and approaches in education. Loyola should experiment with the full realization that lack of change often implies more risk than change itself.

Loyola's spiritual and material resources will be dedicated to the support of graduate programs if they fulfill one or both of the following criteria:

- (a) they are necessary for strengthening undergraduate programs;
- (b) they fulfill serious community needs.

### ***Loyola University New Orleans Recognizes its Community Responsibilities***

Loyola University New Orleans looks forward to its place in the community of the future. The American university of the future will be more involved in community service than the university of earlier decades. Loyola stands ready to do whatever is in its power as an independent Catholic university to solve the problems of American society today.

Loyola University New Orleans should make a serious effort to probe and uncover the latent unity of the Southern people so that together they may build a richer future for their children. Loyola should make conscious efforts to prepare the educationally underprivileged for college life and to make a college education available to them. In particular, Loyola recognizes its obligation to provide such educational opportunities to the Black community, which historically has been deprived of this advantage.

Within the limits of available resources, institutes and programs will be created, developed or discontinued as the need arises under the scrutiny of the Standing Council for Academic Planning. Among present programs are those that serve high school students and teachers, the educationally and economically disadvantaged, nurses, law enforcement agencies and labor.

### ***Loyola University New Orleans is a Community of Scholars***

Loyola University New Orleans aims at developing and maintaining a distinctive community of scholars. The bond of this community is the desire of teachers and students to reach academic excellence in their pursuit, not of knowledge alone, but of truth and Christian wisdom. In such a community, students and faculty are in contact with centuries of accumulated wisdom and should be active in shaping this wisdom for a new day. By reason of their formative life within this community, they should be conscious of the achievements and failures of all of human history, particularly those of their own culture and time. As a result, they should be capable of principled judgment in the face of complexity and ambiguity, and humanely moved or divinely inspired to leave behind them a better world than they found.

Such a mission will best be accomplished in our day by a community drawn from many religious, ethnic and cultural backgrounds, and through firm, vigorous and dynamic programs in the arts, humanities, sciences and law. It can be accomplished especially well by programs of studies which cross traditional disciplinary lines. Faculty and students are encouraged to collaborate in the formation of interdisciplinary curricula and programs.

The University's libraries comprise an essential component in the development of a community of scholars. The expansion and improvement of library resources are major objectives of the University. Therefore, Loyola University New Orleans should continue to participate in cooperative efforts among universities designed to reduce unnecessary duplication of library resources and to experiment with innovations such as information retrieval technology.

In sum, Loyola University New Orleans wishes to assist each person in becoming more aware of the problems of society and of his or her ability to correct these problems. Such a person would have a firm moral conviction to live up to his or her obligations to himself or herself, to community, and to God.

### *The Future of the University*

Loyola University New Orleans is potentially strong in three areas that are in some significant way unique: communications, music, and religion. By achieving excellence in these unique areas and sustaining its strong undergraduate departments, Loyola will be a significant force in higher education.

The University should aim at a gradual and studied increase in size of the student body consistent with maintaining quality programs, close student-faculty contact and maximum use of existing resources.

Loyola University New Orleans should increase and make more effective its ties with other colleges and universities in the New Orleans area. The New Orleans Consortium is a good example of how such effective bonds can be forged.

There is an obvious relationship between certain fields of study and the institutions and social movements of the modern city, state and nation. A portion of studies such as business and the social or behavioral sciences should be done off-campus with students examining and working in institutions and agencies actually practicing in these fields. Such study can be an academic activity. It should be undertaken as part of regular academic programs because it is directly related to the subjects for which Loyola University New Orleans takes educational responsibility.

### *Priorities Involving Planning*

One of the principal responsibilities of the Standing Council for Academic Planning (SCAP) is to direct an orderly and systematic planning sequence that will ensure that Loyola University New Orleans is prepared for the future. To fulfill this role, SCAP must carefully examine the elements of proposed new programs. Additionally, SCAP shall ensure and certify that all existing programs are periodically evaluated according to procedures established in the colleges.

As an additional responsibility, SCAP should be active in lending its support to the extension and development of the New Orleans Consortium so that fuller use of the combined resources of facilities, faculties and staff may be made.

### *Priorities Involving Students*

Loyola University New Orleans recognizes that value-oriented education must occur in the context of total human development and is founded upon an appropriate integration of

the religious and intellectual development of the student and the education of the whole person. Loyola students should be provided with a foundation of learning experiences which will enable them to develop further their personal values and life goals. For this reason, Loyola expects students to accept responsibility in determining policies, programs and curricular requirements. The University involves students in the planning of their education and the shaping of their environment and encourages student participation in the deliberations of faculty and administration.

Loyola University New Orleans is committed to the development of a culturally and educationally diverse student body and is pledged to represent this diversity in all programs and services which affect student life. One of Loyola's greatest assets is a student body which reflects the cultural diversity of metropolitan New Orleans. Loyola will make every effort to attract a sizable percentage of students from outside of Louisiana and the Deep South to increase the cultural, intellectual and demographic diversity of the student body. Special efforts will be made to encourage students to share their differing cultural perspectives in contributing to the campus community and its programs. In order to ensure this diversity and balance in the student body and maintain the quality of admitted students, the Office of Admissions will continue a careful evaluation of every applicant. Based upon this commitment to diversify the student body, Loyola balances ability and need in making its financial awards.

In keeping with its commitment to educational excellence, Loyola University New Orleans will continue to enrich the student population with outstanding students who will attract other good students and faculty and stimulate all to greater efforts. In support of this goal, special enrichment programs have been established and will be continued and strengthened. Loyola also maintains a strong commitment to the average and the underachieving student and provides programs to facilitate his or her adjustment to the academic environment.

The University recognizes the importance of providing programs to facilitate the integration of the new student into the University community and to encourage the development of harmonious relationships among the diverse elements of the student body. Loyola University New Orleans provides counseling at every level. Academic counseling should be systematically organized and supervised by the deans, and faculty members should recognize their counseling responsibilities. Personal counseling, growth opportunities and support programs to help the student meet the normal problems associated with making the transition from one life stage to another are provided by Counseling and Career Services. Loyola will continue to establish programs lead by professionally trained personnel to facilitate students' continuing personal and social growth, to help students to develop the skills necessary to cope with academic demands, and to aid them in identifying and pursuing purposeful career goals and future aspirations. Personal and spiritual counseling should complement one another. University Ministry does play a special role in assisting students to adjust both to University life and to understanding the full scope of a Loyola University education. Programs which strengthen the student's social, cultural and academic environment outside the classroom should be supported. Student activities and co-curricular programs which are educational

and which prepare students for further leadership will be expanded. Such programs include student government and organizations, prayer groups, organized recreational activities and the Loyola University Community Action Program (LUCAP).

Loyola University New Orleans is cognizant that the student body increasingly includes senior citizens, career persons returning for further education, women preparing to re-enter previous careers and other students in non-traditional programs. As part of the education at Loyola, it is important that these students be strongly encouraged to participate in campus life and to see the University as able to make a significant contribution to their lives outside regular classroom experiences. Facilities, programs, and services will be developed to support the active participation of such students utilizing professional staff, peer assistance, and community referral.

### ***Priorities Involving Faculty***

A university is a community of teachers and learners. The knowledge and teaching ability of the faculty place it in a unique position of leadership. The faculty has primary responsibility for such fundamental areas as curriculum, subject matter, methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process. The faculty sets requirements in courses, determines fulfillment of the requirements, and approves degree candidates for presentation to the President and Board of Trustees.

Within the framework of excellent liberal and professional education, faculty activities should be a studied balance among teaching, research, and community service. These goals can best be realized by a stable, financially secure, and professionally active faculty. Faculty participation in University governance reflects its concern with academic excellence through teaching, research, other scholarly activities and the maintenance of an atmosphere of academic freedom and responsibility. It is expected that Loyola University New Orleans faculty will have active professional interests which will contribute to the vitality of its work in the classroom.

### ***Priorities Involving Curriculum***

The university curriculum provides the students, faculty, and administration with a common reference system for the pursuit of academic excellence and scholarship. Loyola University New Orleans is committed to a steady exploration in and experimentation with curriculum design. Curricular reform should be planned and conducted by faculty-student committees working in cooperation with the dean of their college.

So that each undergraduate can achieve a liberalizing education, the curriculum should ensure that instruction be given in the traditional areas of the humanities, sciences, and the fine arts, regardless of the major field of study. This common portion of the contribution reflects Loyola's commitment to participation in the Judeo-Christian intellectual tradition. To achieve this objective, the curriculum must convey a grasp of

religious thought and philosophical discourse which frees from ignorance and from mindless conviction and commitment. Each degree program must fulfill all University and college requirements but remain flexible enough to meet the changing needs of the field of study involved.

Differences in the educational objectives of the undergraduate colleges may result in variations in the extent of their participation in the Loyola Core. However, the number of major courses required by each program should not be so great as to produce over-specialization of the student. Periodic reviews of the degree requirements should be conducted.

The development of a high degree of ability in expressing ideas both verbally and in writing should form an essential part of each student's education. Moreover, the student should be encouraged to develop a basic competence in those languages that best complement his or her own program of study. In keeping with this, Loyola University New Orleans should continue to explore innovations in instruction in both human and machine languages and encourage utilization of presently available technical aids including computer-assisted instruction. Loyola should also explore the possibility of greater inter-university cooperation and specialization in the areas of language, arts and computer science.

Because of its intrinsic importance, education in the physical and life sciences has held an important place at Loyola University New Orleans. Loyola will continue to make every effort to inculcate scientific literacy in all of its students. Many patterns of thought in our time are grounded in the methods employed by the sciences. College students should be exposed to the disciplines of the natural sciences. Thus, Loyola will continue to devote sufficient resources to maintain its excellent program of service courses for undergraduates in other fields and will make every effort to recruit talented majors in these programs.

An ordered society needs men and women trained in the law and business administration. Loyola University New Orleans has produced and will continue to produce leaders in law, government and business administration. Because Loyola is committed to the Christian tradition, it should provide the leaders of tomorrow with those values which strengthen our society.

Law and graduate students should be offered a liberalizing education, and their respective curricula should ensure that instruction is given in the areas of ethics, professional responsibility and the humanistic concerns of their respective disciplines. Legal and graduate education at Loyola University New Orleans should also reflect Loyola's commitment to participation in the Judeo-Christian intellectual tradition.

The College of Law is committed not only to a theoretical and practical understanding of the law, but also to the highest ideals of social justice and professional responsibility. The

College of Law school offers a comparative law approach to legal education through its complete common law and civil law programs. It is unique in the community in providing a legal education in the evening.

All Loyola University New Orleans disciplines should provide opportunities for study through seminars, honors courses, discussion courses, independent study, research projects and courses designed by students. Loyola will continue its tradition of close student-faculty contact which has always constituted the basis of quality education.

### ***C. Statement of Educational Purpose***

Loyola University New Orleans is a comprehensive Catholic university that embodies the standards of academic excellence synonymous with Jesuit education. As a community united in the search for truth and wisdom, Loyola's faculty, students, and staff are committed to scholarship, service, and justice. Consistent with its Jesuit and Catholic heritage, the university is open to all qualified persons.

As enunciated in Goals of Loyola University New Orleans and elaborated in the Loyola Character and Commitment Statement, the mission of Loyola University is to provide a rigorous education grounded in values for an academically able student body selected from diverse geographic, ethnic, and economic backgrounds. While reaffirming its commitment to the educational needs of the citizens of New Orleans and of Louisiana, Loyola will continue to seek students from throughout the region, the nation, and the world.

To achieve its goals, Loyola University New Orleans recruits faculty who are dedicated to instruction and advising, to research that enriches their teaching, and to service both to the University and to the larger community. To preserve its Jesuit character, Loyola seeks to maintain a substantial presence of Jesuits as faculty members. Acknowledging that education is not limited to the classroom, the institution employs staff who are committed to the education of the whole student. Through the curriculum, advising, University Ministry, co-curricular activities, and student life programming, faculty and staff strive to provide a supportive but challenging environment in which students can realize their individual potentials while coming to recognize their responsibility to serve others. To meet the diverse needs of its students, Loyola offers a curriculum rooted in the liberal arts and sciences and fully supportive of a wide range of pre-professional and professional programs. Though its principal focus is undergraduate education, the institution offers selected graduate programs that are consistent with its mission.

In the Ignatian tradition, Loyola University New Orleans endeavors to develop students into a new generation of leaders who possess a love for truth, the critical intelligence to pursue it, and the eloquence to articulate it. The goal of a Loyola education is not mere technical competence but wisdom and social responsibility.

#### **D. *Loyola University New Orleans Character and Commitment Statement***

The following statement represents many months of work by both Jesuit and lay faculty, staff and administrators at Loyola. It was written by the Task Force on Jesuit Identity and approved by the Board of Trustees in November 1980.

1. Loyola University New Orleans faces the years ahead with confidence. Relying on God's providence and assiduously practicing the virtue of discernment, we will plan for what lies ahead. Our society is marked by increasingly rapid change, growing complexity, and a burgeoning pluralism. These realities are not without their impact upon our community. Loyola is today a larger, more complex institution than it was thirty years ago. The student body and the faculty are more numerous and more pluralistic in their composition. Moreover, the proportion of Jesuits at Loyola has declined and may show further decline in the immediate future. It appears beneficial, therefore, that we take stock at this juncture and articulate, without diffidence or defensiveness, our self-understanding and our educational vision.
2. Our starting point as a community is our recognition and acceptance of the goodness of all God's creation and the ideal of human solidarity and fellowship under God. Further, we acknowledge the Lordship of Jesus and affirm that God was in Christ reconciling the world to himself. Around this central confession of faith we hope to shape our lives. It would be meaningless for Loyola University New Orleans to label itself Catholic and Jesuit were it not to center its self-understanding upon these truths. Though our world is broken and fragmented by evil, both personal and social, the enfleshment of God's Son as our brother grounds our hope for the eventual and ultimate victory of goodness and order. God in Christ has called us to choose freely and to follow in the footsteps of our Lord and to do what in us lies to nurture the Kingdom that is aborning in this world where divine and human activities intersect.
3. Motivated by the Christian vision of reality, then, Loyola University New Orleans undertakes its task as a Catholic institution of higher learning in the Jesuit tradition. Loyola's Jesuits have publicly stated that their "mission is essentially religious but specifically intellectual and educational in the broadest and deepest sense." In all phases of this academic endeavor the University community must strive to achieve the excellence that has come to be synonymous with the Jesuit tradition of learning. As a community of educators and scholars, Loyola's faculty and staff must be dedicated to excellence in teaching, in research, and in service to the larger community. The University must provide an environment conducive to growth of its faculty and staff and the development of scholarship and understanding of personal values that is so much a part of the Christian tradition. At the same time, concern for the student as a person is central to the Jesuit educational mission. Above all, Loyola will endeavor to develop in its students a love for truth, the critical intelligence to attain it, and the eloquence to articulate it. By word and example, Loyola will dedicate itself to educate our students in the Christian tradition, which we recognize as "not wedded to any given philosophy, science, art, or

politics...[but] still not compatible with every point of view.” (Loyola University Goals Statement)

4. While academic excellence and liberal education are the immediate goals of our University community, they cannot be, in view of our commitment as a Jesuit University, the ultimate *raison d'être*. Academic excellence stands in the service of the full human development of persons as moral agents. In this regard, it would be well to recall the role of the Spiritual Exercises of Ignatius Loyola in the development of every Jesuit. After the Gospel, the Exercises are the wellspring of the Jesuit spirit. They endow Jesuit activity with a distinctive quality. Some understanding of the Exercises, therefore, is necessary to understand the ultimate aim of the Jesuit educational endeavor. The Exercises aim to enable a person, with God's help, to make a Christian choice in regard to the most significant truths and values of life. The choice may be a fundamental option or a conversion affecting the totality of one's existence. Again, it may simply issue from a periodic reassessment of priorities. Whatever the matter of choice may be, the decision-making process should be marked by certain characteristics. First, it ought to be disentangled from inordinate attachment, disordered affectivity. It must purge itself of bias, prejudice, and stereotypical thinking. Only so, can it be genuinely free. Second, any significant option ought to be illuminated by human and divine wisdom. No pertinent light that comes to us from history, science, art or religious experience should be ignored. Third, significant choices must not remain merely notional. They must be woven into the texture of one's life; choice must incarnate itself in action. In the light of the Ignatian ideal, choices are to be made with a commitment to pursuing the greater good in any course of action. Capacity for truly human action is what Jesuit education hopes ultimately to achieve.
5. Because education at Loyola University New Orleans is person-centered, and concerned ultimately with choice and action, the curriculum, spiritual life, and student life must, on all levels and in all areas, be concerned with values. Our goal is wisdom, not mere technical competence. In this regard it is well to recall that the Spiritual Exercises, as the Gospels before them, while world-affirming, condemn self-aggrandizement and promote service to others. Jesus, the man for others, is for us the archetype. Solicitude for others, not mere efficiency or mere bureaucratic convenience, must motivate us to a concern for all members of the University and to ever-widening circles of our concern for our city, our state, our region, our nation, and our planet. Because of our human solidarity, a concern for one, even the least of his brothers or sisters, is a concern for all.
6. It is understandable then, that in the face of our contemporary situation, Jesuits the world over have recently determined that the best way to embody their commitment to the Gospel and the Ignatian Exercises is through the promotion of justice animated by faith. Accordingly, Loyola University New Orleans as a Jesuit university embraces the conclusion of the 32nd General Congregation of the Society of Jesus that Jesuit education must be a catalyst for needed social change, hence dedicated to fostering a just social order.

7. This commitment to social justice can be shared by all who are of good will, thus capable of enlisting the support of our entire community in all its ecumenical diversity and ideological pluralism. We must, therefore, in our policymaking, in our administration, in our entire curriculum, and in the totality of our campus life, strive to bring to life, concern for justice to which our Jesuit and Christian heritage commits us. Further, we must challenge all assumptions in light of this commitment. Consequently, as an institution we must be person-centered, not merely bureaucratically efficient.
8. All members of the University community, regardless of their personal faith-commitment or value system, are urged to collaborate in the promotion, clarification, and pursuit of the objectives set forth in this statement. With full respect for the complexities of a pluralistic culture, with wholehearted commitment to the ideals of religious and academic freedom, and with renewed dedication to the ecumenical spirit of Vatican II, Loyola University New Orleans is open to any person who sincerely seeks for truth and value. Dialogue and debate concerning controversial issues, even religious ones, are not only tolerated but encouraged. Yet, it should be recognized that the University has an identity defined by its mission that relates to every aspect of institutional life. Deliberate derogation from or subversion of these objectives is incompatible with the University's mission, destructive of its identity, and disruptive of the University community well-being. The University community should make every effort to reconcile any member who finds himself/herself in conflict with these objectives.
10. More could be said about Loyola's identity. However, what has been said should suffice to spur reflection and dialogue. Loyola University New Orleans is a community given to the pursuit of excellence in teaching and scholarship, personal and spiritual development, and to the promotion of justice and faith in accordance with its nature as an institution of learning. One of the leading challenges to any university today, and especially to Loyola in view of its Jesuit and Catholic character, is to teach an ethic of selfless service and sharing that decisively breaks with the present obsession with joyless and insatiable consumption. Education at Loyola succeeds only to the extent that it leads our community to examine how faith relates to society's systemic injustice. Moreover, it fails if it does not demonstrate how faith can be coupled with love to move us to action in the pursuit of justice. Jesuit education, then, is the education of persons for others who seek to act justly, to love tenderly, and to walk reverently in the spirit of Jesus as the man for others.

#### ***E. Policy on Affirmative Action/Equal Opportunity Employment***

It is the policy of Loyola University New Orleans that no discrimination on the grounds of race, color, sex, disability, age or national origin will exist in any area of the University. This University policy includes, but is not limited to, the requirements of Federal Executive Orders 11246 and 11375, as amended; Order No. 4 of the U.S. Department of Labor; Title 41, Chapter 60-2 "Revised Order No. 4"; Title IX of the

Education Amendments of 1972, as amended; and the directives of the President and the Board of Trustees of Loyola University.

While Loyola University New Orleans is firmly committed to and reaffirms its policy of non-discrimination and affirmative action in its recruitment practices, it also reserves its right to grant preference to men and women, minority and majority members who qualify for positions and who accept and support its Christian and Catholic heritage as expressed within the Loyola University New Orleans Character and Commitment Statement and Goals of Loyola University New Orleans. This it must do to maintain its religious and institutional integrity. In accord with this, Loyola, as a Jesuit university, will, in connection with the appointment of faculty and appropriate administrators, take this to be a significant consideration.

As a religious educational institution, Loyola University New Orleans may grant preferences in its employment practices to Jesuits to perform any work connected with the carrying on by Loyola University of its activities. To cite one example, a qualified Jesuit applicant may be favored over a qualified non-Jesuit applicant for an academic position in any department.

This policy applies throughout the University organization and is the responsibility of all departments and personnel, both supervisory and non-supervisory. The particular ways in which this policy and its implicit goals are to be achieved are the essence of the University's Affirmative Action Program.

Inherent in this policy of non-discrimination is the concept of Affirmative Action whereby a set of specific and result-oriented procedures which have been developed assure that efforts are made to realize a fuller utilization of all members of society, especially women and members of minority groups. This policy and program represent a special commitment to the creation of an environment in which each individual is judged solely on merit.

In order that our policy of non-discrimination be fully appreciated, the following specific elements are described:

1. Each budget unit head is required to recruit, hire, train and promote persons in all job classifications without regard to race, color, sex, disability, age or national origin.
2. Each budget unit head is hereby instructed to base decisions on employment and promotion so as to further the principle of equal employment opportunity. These decisions should be influenced, in part, upon the identifiable deficiencies within the budget unit. Where significant deficiencies exist, the budget unit head should expend extraordinary efforts to identify, recruit and employ qualified individuals in such a way as to minimize these deficiencies.
3. Each budget unit head is required to maintain procedures to ensure that promotion decisions are in accord with the principles of equal employment opportunity. Only valid requirements for promotional opportunities may be

imposed.

4. Each budget unit head is required to maintain procedures that ensure that all personnel actions, such as compensation, benefits, transfers, layoffs, returns from layoff, tuition assistance, social and recreational programs, will be administered without regard to race, color, sex, disability, age or national origin.

## **F. Discrimination and Harassment Policy <sup>1</sup>**

### **I. Purpose**

Loyola University New Orleans strives to create and maintain a working and learning environment in which individuals are treated with dignity, decency and respect. The University acknowledges individual differences, including, but not limited to, the dimensions of race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status; and values all individuals. This idea is rooted in the belief that diversity enriches our social interactions and intellectual lives by exposing us to different cultures, ideas, and ethnicities. Recognizing the role which diversity plays in our mission, the University strives to maintain an educational community that is safe, welcoming, and inclusive for its faculty, staff, and students.

It is expected that students, faculty, staff, and other individuals covered by this policy will treat one another with respect and are responsible for promoting an environment of inclusion. The environment of the University is characterized by mutual trust and the absence of intimidation, oppression and exploitation.

For these reasons, the University does not tolerate discrimination or harassment. Reports of discrimination and harassment under this Policy are taken seriously and will be dealt with promptly.

Through implementation and enforcement of this policy, and through education of faculty, staff, and students, the University seeks to discourage, prevent, correct, and when necessary sanction behavior that violates the University's policy on discrimination and harassment.

### **II. Scope and Application**

This policy applies to all students, faculty and staff of Loyola University New Orleans, as well as others who participate in the University's programs and activities. Its application includes the University's programs and activities both on and off campus, including overseas programs.

It is a violation of this Policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to

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<sup>1</sup> Approved by Board of Trustees, May 17, 2012. Revised and Approved by Board of Trustees, May 17, 2019

use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status or any other characteristic prohibited by applicable law. Acts of harassment, including sexual assault, stalking, domestic violence, and dating violence, are violations of this policy and will subject students, faculty, and staff of Loyola University New Orleans, as well as others who participate in the University programs and activities, to sanctions.

### **III. Definitions**

**Campus** for purposes of this Policy means all buildings, facilities, and properties that are owned, operated, managed, or controlled by the University.

**Complainant** for purposes of this Policy shall mean the person who files a complaint to report a violation of this policy. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person's behalf.

**Consent** to engage in sexual activity must exist from beginning to end of each instance of sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a voluntary intention to engage in a specific sexual activity. Silence alone, without actions clearly and unambiguously evidencing permission, does not demonstrate consent. While consent may be expressed by words or by actions, it is highly recommended that consent be expressed and obtained verbally. Non-verbal consent expressed through actions that do not clearly and unambiguously evidence permission may lead to confusion and potential for misunderstandings, which may lead to a violation of this policy.

It is the responsibility of the initiator of any sexual activity to obtain their partner's consent.

Consent must be knowing and voluntary. To give consent, a person must be at least 17 years old. Assent does not constitute consent if obtained through "coercion" or from an individual whom the respondent knows or reasonably should know is "incapacitated."

Coercion for purposes of this policy may be psychological or physical and includes the use of express or implied threats, intimidation, or physical force which places an individual in reasonable fear of harm or physical injury.

An individual is considered to be incapacitated for purposes of this policy if the individual is manifestly unable to make a knowing and deliberate choice to engage in sexual activity. Individuals who are asleep, unresponsive or unconscious are incapacitated. Individuals who have drunk alcohol, or used drugs, may be incapacitated, depending on the amount and type of alcohol, or drugs, used. The totality of the circumstances will be considered in determining incapacitation. Among the factors the University will use to assess whether someone is

incapacitated for purposes of this policy are: inability to communicate coherently, inability to dress/undress without assistance, inability to walk without assistance, slurred speech, loss of coordination, vomiting, or inability to perform other physical or cognitive tasks without assistance. The existence of any one of these factors will support a finding of incapacitation for purposes of this policy.

An individual's use of alcohol or drugs does not diminish that individual's responsibility to obtain consent to sexual activity.

Consent to engage in sexual activity may be withdrawn by any person at any time. Once withdrawal of consent has been expressed, the sexual activity must cease immediately. Consent is automatically withdrawn by a person who is no longer capable of giving consent.

A current or previous consensual dating or sexual relationship between the Parties does not imply Consent or preclude a finding of responsibility for misconduct.

**Domestic and Dating Violence** is defined as abusive behavior, including threats, verbal and/or emotional abuse, and physical assault, between persons in an intimate and/or dating relationship. Examples of domestic violence include, but are not limited to, intimidation, threats, and physical harm. Preventing a partner from making contact with others among the partner's family, friends, or peer group also falls within this definition. This includes behavior toward another person when the intimate and/or sexual relationship has ended.

**Discriminatory harassment** for purposes of this Policy is defined as verbal or physical conduct directed toward an individual because of his or her race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status that is offensive to the individual and

(a) intentionally stigmatizes the individual to invoke violence or harm, or  
(b) is of a severe and/or pervasive nature such that it creates an intimidating, hostile or offensive working, academic or campus environment, or  
(c) unreasonably interferes with an individual's work or academic performance.

**Hate Crime** means any offense against person and/or property because of actual or perceived race; color; sex; national origin; age; religion; gender identity; transgender status; sexual orientation; ethnicity; disability status; marital status and citizenship status of that person or the owner or occupant of that property or because of actual or perceived membership or service in, or employment with, an organization.

**Human Resources** for purposes of this Policy means the Human Resources Department at Loyola University New Orleans, 6363 St. Charles Avenue, Mercy Hall, Room 102, New Orleans, Louisiana. The phone number is (504) 864-7757.

**Loyola University Police (University Police)** for purposes of this Policy means the Loyola University New Orleans Police at 6363 St. Charles Avenue, Biever Hall,

First Floor, New Orleans, Louisiana. The phone number is (504) 865-3434.

**Office of Government and Legal Affairs** for purposes of this Policy means the Office of Government and Legal Affairs of Loyola University New Orleans, 6363 St. Charles Avenue, 240 Marquette Hall, New Orleans, Louisiana. The phone number is (504) 865-2657.

**Policy** means this Loyola University New Orleans Discrimination and Harassment Policy.

**Nonconsensual Sexual Intercourse and Sexual Conduct** for purposes of this Policy means any sexual behavior including sexual intercourse or attempted intercourse without consent, including rape, attempted rape, molestation, and other cases where the complainant is unable to refuse or effectively consent to sexual advances. The definition applies regardless of whether the alleged assailant is a stranger or an acquaintance. Examples include, but are not limited to, forced insertion, oral copulation, rape by foreign object, sodomy and unwanted touching of an intimate part of another person for the purpose of sexual gratification. Sexual intercourse is defined as anal or vaginal penetration by a penis, tongue, finger or inanimate object.

**Respondent** for purposes of this policy shall mean the person responding to an allegation of a violation of this policy.

**Sex Discrimination** for purposes of this Policy includes treating a person unfavorably because of that person's sex, including in hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits and any other term or condition of employment. It also includes treating a person unfavorably because of that person's failure to conform to gender or sex-based stereotypes.

**Sexual Exploitation** for purposes of this Policy means taking nonconsensual or abusive sexual advantage of another for one's own advantage or benefit, or to benefit a person other than the one being exploited. Examples of sexual exploitation include, but are not limited to:

- Intentionally exposing a private or intimate part of one's body in a lewd manner;
- Committing any other lewd act in a public place;
- Prostituting another student;
- Possession, or sharing of, photographs, video or audio recording of sexual activity in person, or on any social media platforms or internet sites, without the consent of the persons depicted or involved;
- Exceeding the boundaries of explicit consent, such as allowing friends to hide in a closet to witness one's consensual sexual activity;
- Engaging in non-consensual voyeurism; and/or

- Knowingly transmitting a sexually transmitted disease/infection or HIV to another student.

**Sexual Harassment** for purposes of this Policy means the creation of a hostile workplace environment, as well as unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct or communication of a sexual nature in person, or on any social media platforms or internet sites when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment, services, or academic status; or
- Submission to, or rejection of, such conduct by an individual is used as a basis for employment, services, or academic decisions affecting him or her; or
- Such conduct, whether verbal or physical, is severe and/or pervasive so as to have the purpose or effect of interfering with the individual's work or academic performance or of creating an intimidating, hostile or offensive employment, service or educational environment.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex, gender identity or transgender status. For example, harassing a woman, or man, by making offensive comments about women, or men, in general may constitute sexual harassment.

**Sexual Verbal Abuse** for purposes of this Policy is language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, obscene telephone calls and use of written and/or oral communication that would be considered obscene.

**Stalking** for purposes of this Policy is a course of conduct directed at a specific person that would cause a reasonable person to fear for their own safety or the safety of others or suffer substantial emotional distress. A course of conduct means two or more acts in which a person directly, indirectly or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property. Stalking includes, but is not limited to, the intentional and repeated uninvited presence of the alleged perpetrator at another's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, or sexual assault.

**University** for purposes of this Policy means Loyola University New Orleans.

#### **IV. What Constitutes Sexual Harassment**

##### **A. Types of Relationships**

Sexual harassment may occur within a variety of relationships. These relationships may or may not involve unequal authority, as between supervisors to employees supervised, faculty members to students, residence hall staff to student residents, and

student leaders to other students. They may also involve relationships among peers. However, allegations of sexual harassment will be scrutinized, regardless of the relationship of a complainant to an alleged offender.

Generally, there are three (3) types of relationships where sexual harassment occurs:

1. Quid pro quo- where submission to harassment is used as the basis for employment or educational decisions. Quid pro quo harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc. are directly linked to compliance with sexual advances. Therefore, only someone with the authority to grant such benefits can engage in quid pro quo harassment.
2. Hostile work or learning environment- where offensive remarks or conduct is severe and/or pervasive and creates an offensive working or learning environment or when it results in an adverse employment decision (such as being demoted, or fired).
3. Third party harassment- when a party or parties are not sexually harassed directly, but suffer the consequences of sexual harassment.

## B. Forms of Sexual Harassment

Determining what constitutes sexual harassment depends on the specific facts and context in which the offensive language or conduct occurs. Sexual harassment may take many forms-subtle and indirect or blatant and overt. For example, it may:

- Be offensive words or conduct toward an individual of the opposite sex or the same sex;
- Occur between peers or between individuals in a hierarchical relationship;
- Be aimed at coercing an individual to participate in an unwanted sexual relationship;
- Have the effect of causing an individual to change behavior or work performance; and
- Consist of repeated words or actions, or may even arise from a single incident, if sufficiently egregious.

## C. Examples of Sexual Harassment

The following are some examples of conduct which may constitute or contribute to sexual harassment:

- Gender harassment, including statements and behavior that convey insulting, degrading, or demeaning attitudes towards women, or men;

- Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment;
- Derogatory, degrading, or insulting statements and behavior targeting, or ridiculing a person's sexual orientation, transgender status or gender identity;
- Persistent and unwanted requests for dates, unwelcome and inappropriate letters, telephone calls, email, or other communication or gifts;
- Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation;
- Subtle or overt pressure for sexual favors;
- Unwanted physical contact such as touching, hugging, brushing against a person's body, or impeding or blocking movements;
- Sexually explicit statements, questions, jokes, or anecdotes, regardless of the means of communication (oral, written, email, text messages, etc.);
- The display of inappropriate sexually oriented materials;
- Sexual assault, attempted rape, or rape;
- Sexual submission when made a term or condition, explicitly or implicitly, of obtaining employment, services, or education;
- Sexual submission when used as a factor in decisions affecting an individual's employment, services, or education;
- Sexual conduct or communication when of such a nature that it creates an intimidating, hostile, or offensive work or educational environment; and
- Domestic violence, dating violence, and stalking.

## **V. Consensual Sexual or Romantic Relationships**

1. With the exception of cases where individuals are married, or in a formal domestic partnership, the University prohibits faculty and staff from knowingly entering into a romantic, or sexual relationship, with any students over whom such faculty and staff exercise supervisory, or evaluative authority.
2. The University prohibits faculty and staff from knowingly entering into a romantic or sexual relationship with an undergraduate student, regardless if that faculty, or staff, exercise supervisory, or evaluative authority, over the undergraduate student.
3. With the exception of cases where individuals are married, or in a formal domestic partnership, the University strongly discourages faculty and staff from knowingly entering into a romantic or sexual relationship with a graduate or professional student enrolled at the University even if the student is not subject to the supervisory, or evaluative authority, of said faculty or staff. Faculty, or staff, who enter into such a relationship must disclose the

relationship to the Provost's Office, and staff must report it to Human Resources or the Director of Government and Legal Affairs, so that the University is in a position to ensure that those faculty and staff do not exercise supervisory or evaluative or other authority over that student.

## **VI. Pregnancy and Breast feeding/Lactation**

The University values families and a woman's need for accommodation during pregnancy and childbirth. Consequently, the University will work with pregnant employees to accommodate the needs of the pregnancy and childbirth. Federal law imposes its own requirements and renders it unlawful to harass a woman because of pregnancy, childbirth, or a medical condition related to pregnancy or childbirth. The Pregnancy Discrimination Act (PDA) forbids discrimination based on pregnancy when it comes to any aspect of employment, including hiring, termination, pay, job assignments, promotions, layoffs, training, fringe benefits, such as leave and health insurance, and any other term or condition of employment. Lactation is a pregnancy-related medical condition. The University will make available time and a private space for its employees to accommodate lactation-related needs.

## **VII. Reporting Policies and Procedures**

### **A. Complainants**

#### **i. Places to Report**

##### **a. Internal Reporting**

In cases of stalking, sexual assault, and sexual violence, University Police should be notified initially and immediately. University Police can be reached at: (504) 865-3434

If complainant believes that he/she is being harassed or discriminated against by any member of the University community, or a third party doing business with the University; or if you observe harassment or discrimination by another a member of the University community, or a third party doing business with the University, against a third party; please report the incident immediately to one of the following:

- Title IX Coordinator/ Government & Legal Affairs – (504) 865-2657; or
- Human Resources Department - (504) 861-7756; or
- Chief Student Conduct Officer – (504) 861-7151; or
- Mission & Identity – (504) 865-3226; or
- University Counseling Center – (504) 865-3835; or
- Provost Office – (504) 865-3034
- Office of Diversity and Inclusion – (504) 865-2306

If the perpetrator of the alleged harassment or discrimination is listed as a contact person above, then you should report to another person listed.

Loyola University takes all complaints of unlawful harassment and discrimination seriously and will not penalize anyone for reporting a potential harassment or discrimination problem in good faith.

b. External Reporting to Government Agencies:

In cases of stalking, sexual assault, and sexual violence, it is the practice of University Police to notify complainants of their right to file a criminal complaint. Discrimination and harassment are prohibited by state and federal law.

In addition to the internal resources just described, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims:

- If the complainant is a faculty or staff member, they should contact the U.S. Equal Employment Opportunity Commission (EEOC) (Title VII employment discrimination claims) at:  
<http://www.eeoc.gov/field/NEWORLEANS/index.cfm>;
- If the complainant is a student, they should contact the Office for Civil Rights (OCR) of the U.S. Department of Education (Title IX sex discrimination claims) at:  
<http://www2.ed.gov/about/offices/list/ocr/index.htm>;
- In addition, all complainants can contact the Louisiana Commission on Human Rights at: <http://gov.louisiana.gov/page/lchr>.

Please know that a violation of this policy may exist even where the conduct in question does not violate the law.

If there is immediate danger, contact 911.

B. University Employees as Mandatory Reporters for Sexual Assault and Harassment

All University employees, other than counselors, pastors, or advocates and those employees legally regarded as confidential sources, must bring reports of violations of this policy, including sexual and gender-based harassment, assault and violence that they observe or learn about, immediately to the attention of the Office of Human Resources (if the respondent is a staff member), the Office of the Provost (if the respondent is a faculty member), or the Title IX Coordinator (if the respondent is a student). Failure to do so can result in discipline, up to immediate discharge.

The employee must report all relevant details about the alleged policy violation, including the name of the complainant, the accused, any witnesses, and any other relevant facts, including the date, time, and specific location of the incident. Complainants may request confidentiality or anonymity, including that their name not be shared with the respondent, that the respondent not be notified of the report, or that no investigation occur. A mandatory reporter should inform the complainant that there are other University employees available to discuss complaints, like advocates or counselors, who can preserve the complainant's confidentiality.

If the complainant wants to tell the mandatory reporter what happened, but also wants to maintain confidentiality or anonymity, the employee should tell the complainant that mandatory reporters cannot guarantee confidentiality or anonymity. The employee should advise the complainant that the details of the incident will be disclosed only to those officials with a legitimate institutional interest in knowing the information. In reporting the details of the incident to the University, however, the employee will disclose that the complainant has requested confidentiality, or anonymity.

The University will then weigh the complainant's request for confidentiality, or anonymity, against the University's obligation to provide a safe, non-discriminatory environment for all members of the Loyola Community, including the complainant.

If the University honors the request for confidentiality, the applicable investigating office will explain to the complainant that the University's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator may be limited. Explanation of the University's anti-retaliation policy shall be provided to the complainant. If the complainant continues to ask that his or her name not be revealed, the University will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not prevent the University from responding effectively to harassment and preventing harassment of others.

Regardless of whether there is a request for confidentiality or whether the request for confidentiality is honored, the University will take steps to limit the effects of the alleged relationship violence or sexual misconduct and prevent its recurrence. Such steps might include providing increased security or supervision at locations or activities where a pattern of relationship violence or sexual misconduct exists; providing education and training materials for students, student groups, faculty, and staff; reviewing applicable relationship violence and sexual misconduct or disciplinary policies; and conducting climate surveys regarding relationship violence and sexual misconduct.

Individuals who choose to discuss an incident of relationship violence or sexual misconduct only in a privileged/confidential or private setting (to a counselor, pastor or advocate) should understand that the University will not be able to conduct an investigation into the particular incident, or pursue disciplinary action

against the alleged perpetrator, unless the incident is reported to the University directly by the complainant, law enforcement, someone who is obligated to make a report, or by a confidential party who has been given written permission by the complainant to make a report. Counselors and advocates will assist their clients in receiving support services, regardless of whether a report is made. At the individual's option, this will include coordinating with the University to provide any necessary interim measures.

A complainant who requests confidentiality initially to a mandatory reporter or who reports only to a confidential source (a counselor, pastor or advocate), may later decide to file a complaint with the University or law enforcement and have the incident fully investigated. Prior to conducting an investigation, the University will take into consideration any safety risks associated with the University contacting or interviewing the accused, especially in cases where the complainant is fearful and does not want the perpetrator contacted, or when the threats and abuse may escalate and put the complainant in increased danger due to the investigation process.

As discussed above, the University will attempt to balance a complainant's request for anonymity or not to participate in an investigation with the University's broader obligation to campus safety.

#### C. Louisiana Reporting Law

Pursuant to state law, any report of abuse or neglect of minors or persons with a disability, including disabilities or challenges caused by aging, will be reported to state authorities.

#### D. Clery Act Requirements and Other Legal Guidelines

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, popularly known as the Clery Act, University Police annually collects, compiles, and publishes crime statistics for a 3-year reporting period. Additionally, University Police identifies and works with Campus Security Authorities (CSAs) to ensure that they satisfy their annual training and reporting requirements pursuant to the Clery Act. A CSA is an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. CSAs are required to report certain offenses that are reported to them and that have occurred on campus, in residence facilities, in certain non-campus property, and certain public property. CSAs receive training regarding the specific locations (Clery geography) and specific offenses (Clery crimes) that trigger a duty to report. In addition, the University has a responsibility to notify the campus community about any crimes, not just Clery Act crimes, that are serious or pose an ongoing threat. A Timely Warning Notice, known as a BOLO (Be On The Look Out), may be issued for both on and off-campus crime reported to University Police by NOPD, Tulane Police, CSAs, or any other source and shall be decided on a case-by-case basis in light of all the

facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the university community, and the possible risk of compromising law enforcement efforts.

The Clery Act encourages voluntary, confidential reporting so that incidents of crime that are reported exclusively to professional and pastoral counselors will be included in the annual crime statistics.

University Police and the New Orleans Police Department (NOPD) work closely together to keep the campus neighborhood safe. The University Police officers and NOPD communicate regularly on the scene of incidents that occur in and around the campus area. The University Police investigators work closely with the investigative staff at NOPD when incidents arise that require joint investigative efforts, resources, crime-related reports, and exchanges of information, as deemed necessary.

The University Police do not have a Memorandum of Understanding with NOPD. University Police officers patrol regularly in the uptown area usually bordered by Freret Street, Jefferson Avenue, Pitt Street, and Cherokee Street. University Police also coordinate efforts and work with Louisiana State Police when incidents arise that require collaboration. University Police are a member of the Louisiana State Analytical and Fusion Exchange where intelligence and information are shared with other local and state agencies.

A daily crime log is kept of all reported crimes. It is available for public review by request at University Police headquarters located in Biever Hall. University Police also monitor incidents at its off-campus sites and records those offenses. University Police report all serious on-campus crimes to NOPD along with providing them with a copy of pertinent records. NOPD accepts and processes evidence for serious crimes such as drug cases.

### **VIII. Assistance for Complainants of Sexual Assault**

Sexual assault is an egregious form of sexual harassment and it is a crime. The University takes all incidents seriously. The University supports the right of the complainant of a sexual assault to decide how best to utilize various University, community, private, and public support systems designated to address crimes of sexual assault.

Complainants of sexual assault are highly encouraged to contact University Police. Reporting an assault to the University Police does not require filing criminal charges. Nor does it require the complainant to participate in a University investigation. However, it does allow the University to assist and support the complainant. University Police offers complainants the option of communicating with a counselor-on-call or a Complainant's Advocate.

If you are a student complainant of sexual assault, you have the right to pursue the remedies and processes set forth in this Policy and the Student Handbook:

[http://titleix.loyno.edu/sites/default/files/documents/title\\_ix\\_policy.pdf](http://titleix.loyno.edu/sites/default/files/documents/title_ix_policy.pdf)

The University encourages you to report sexual assault both to campus safety and to the local police and will assist you in doing so. You may choose to:

1. Report the incident to University Police and pursue university judicial action and/or criminal charges with the New Orleans Police Department; or
2. Only report the incident without pressing charges; or
3. Report the incident anonymously without providing any personal information.

Individuals seeking further information regarding sexual assault assistance may visit the following:

**Sexual Assault Advocacy Initiative or Advocates:**  
Studentaffairs.loyno.edu/counseling/sexual-assault

## **IX. Title IX Coordinator**

### **A. Roles and Responsibilities of Title IX Coordinator**

The Title IX Coordinator oversees the University's efforts to comply with and carry out its responsibilities under Title IX, including investigation of any complaint communicated to the University alleging noncompliance with Title IX or alleging any actions which would be prohibited by Title IX.

The Coordinator will track reports of discrimination and sexual harassment for statistical purposes and report at least annually concerning their number, nature, and disposition to the University President.

The Coordinator may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established.

Investigation records and evidence obtained in investigations will be maintained separately from student records and personnel files in a secure, limited access location for a period of time in accordance with the University's Record Retention Policy at <http://finance.loyno.edu/financial-affairs/retaininz-records>.

### **B. Contact Information for Title IX Coordinator**

Mr. Tommy Screen  
Marquette Hall 240  
tscreen@loyno.edu  
titleix@loyno.edu  
504-865-2657

## **X. ADA/Section 504 Coordinators**

### **A. Roles and Responsibilities of ADA/Section 504 Coordinators**

The University's ADA/Section 504 Coordinators have overall responsibility for assisting the University in meeting the requirements of the ADA and Section 504, including assisting individuals with disabilities in seeking reasonable accommodations; delivering support; providing auxiliary aids; addressing concerns about disability discrimination; and coordinating campus services for students and employees with disabilities.

### **B. Contact Information for ADA/Section 504 Coordinators**

*The ADA/Section 504 Coordinator for Students is:*

Director, Office of Accessible Education

Office: Monroe Library, Room 229

Phone: (504) 865-2112

success.loyno.edu/accessible-education

*The ADA/Section 504 Coordinators for Faculty/Staff are:*

#### **Rhonda Huff, Human Resources Generalist**

Office: Mercy Hall, Room 102

Phone: (504) 864-7896

Email: rfhuff@loyno.edu

#### **Rachel Dirman, Human Resources Representative**

Office: Mercy Hall, Room 102

Phone: (504) 864-7768

Email: rdirmannloyno.edu

<http://finance.loyno.edu/human-resources/human-resources-manual-employees-disabilities>

## **XI. Protection Against Retaliation**

Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this policy are against the law and will not be tolerated. See also the Loyola University Non-Retaliation Policy, Policy No. 5-16 for more information.

## **XII. Confidentiality**

The University recognizes the importance of confidentiality. Those responsible for implementing this Policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination or harassment to the extent reasonably possible. Although individuals involved with investigations are not asked to abide by a

nondisclosure agreement, information should be shared on a need-to-know basis to avoid claims of the Family Educational Rights and Privacy Act (FERPA) violations, defamation, or threats of retaliation. In all cases, the issues of confidentiality must be balanced with the University's need to investigate and take appropriate action. FERPA protects a student's right to review his or her education record and it permits the University to inform the complainant of the institution's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases, not just those sanctions that directly relate to the complainant.

### **XIII. Investigation Procedures and Protocols**

#### **A. Formal Options**

The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a complaint, a fact-finding process or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, pursuant to the faculty appellate process, the human resources operating manual or the student code of conduct. The relevant grievance/adjudication procedure and appeal procedure (see below) should be read carefully, since the procedures vary considerably. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all of persons involved.

The results of the investigation may be used in any complaint or disciplinary action. Throughout the investigation and any subsequent appeals, all parties shall have the right to have an advisor or attorney of choice present at any meeting. Any person who serves as an advisor should plan to make themselves available for meetings throughout the process.

The advisor is a silent and non-participating presence who is there solely to observe and provide support during the process. The University has the right at all times to determine what constitutes appropriate behavior on the part of an advisor as well as the right to request that an advisor leave a meeting in the event the investigator determines that the advisor is not acting appropriately. The advisor may not be a fact witness or otherwise have any conflicting role in the process.

- For Students
  - Investigations involving students will be conducted by the Student Conduct Officer
  
- For Staff
  - Investigations involving staff members will be conducted by Human Resources
  
- For Faculty
  - Investigations involving faculty members will be conducted by the Office of the Provost

Reports of sexual harassment are taken seriously and the University strives to complete the investigation process within 60-business days of receiving a complaint. Depending on the complexity of the investigation and the severity and extent of the alleged conduct, timeframes for investigations may vary. However, the University will provide periodic status updates throughout the process, and the University aims to respond promptly and equitably to all complainants.

#### **XIV. Grievance/Adjudication Procedures and Appeals**

In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question:

- **Students are subject to the Student Code of Conduct at**

<http://studentaffairs.loyno.edu/student-handbook>.

- **Staff members are subject to the Human Resources Policies and Procedures Manual at**

<http://finance.loyno.edu/human-resources/policies-procedures-benefits-manual>

- **Faculty are subject to the Faculty Handbook at**

<http://academicaffairs.loyno.edu/faculty-handbook>

The individuals referenced in this section are available to discuss these options and other methods for dealing with discrimination and harassment.

Investigators will make findings using a preponderance of the evidence standard or "more likely than not."

The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation, and the initiation of complaint and disciplinary processes. Where discrimination and harassment has occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.

Both parties receive simultaneous written notice of the outcome in the form of a redacted copy of the decision. The Clery Act requires, and Family Educational Rights & Privacy Act (FERPA) permits, the University to inform the complainant of the University's final determination and any disciplinary sanctions imposed on the perpetrator in sexual violence cases (as opposed to all harassment and misconduct covered by Title IX) not just those sanctions that directly relate to the complainant.

The question sometimes arises as to whether the University will defend and indemnify a University employee accused of discrimination or sexual harassment. The issue of indemnification depends on the facts and circumstances of each situation.

## **XV. Prevention and Education**

Consistent with this Policy and the University's commitments under it, the University offers a variety of prevention and education/training programs and services for its faculty, staff, and students. Such programs and services may include:

- New student orientation training, specifically "Think About It" (a Jesuit-based online course regarding substance abuse and sexual assault prevention);
- New employee orientation, which includes a discussion of important information regarding Human Resources policies and procedures, specifically the Discrimination and Harassment Policy;
- Sexual discrimination and harassment training requirement for all University employees, which includes reporting of sex and gender discrimination incidents, including sexual harassment, sexual assault, stalking, domestic violence, and dating violence, is designed to inform all employees about their duty to report sexual harassment and other behaviors that fall under Title IX;
- Step-Up training for students, which includes measures that students may take as bystanders to prevent sexual harassment or violence;
- Workshops and event programming for "Take Back the Night" and "Night Out Against Crime;"
- Group counseling for students;
- Residence hall posters and presentations (to coincide with Halloween and Mardi Gras);
- Care for the Pack blog posts providing health information to students, faculty, staff, parents, and alumni;
- Student Health 101-e magazine (includes monthly sexual assault prevention articles);
- Sexual Aggression Prevention Programs;
- Sexual Trauma Support Group;
- Conducting Campus Climate Surveys;
- Boots on the Ground training for faculty;
- The Clothesline Project; and

- Student Handbook information.

## **XVI. Training**

- Complainant Advocates training for students, faculty, and staff;
- Clery Act training for University Police and Campus Security Authorities;
- Training for Title IX Coordinator and Title IX Deputy Coordinators, which includes a discussion of domestic violence, dating violence, sexual assault, and stalking. Additionally, the annual training will review how to conduct an investigation and the hearing process that both protects the safety of complainants and promotes accountability.

## **XVII. Enforcement of Policy**

A person found responsible for discrimination or harassment as prohibited in this Policy may face:

- Student disciplinary action, up to and including expulsion
- Letter of reprimand
- Denial of promotion
- Demotion
- Suspension
- Termination

The University may also take necessary interim actions before determining whether a violation has occurred. The University may terminate relationships or take other appropriate actions against non-University entities that violate this Policy.

## **XVIII. Policy Review and Evaluation**

This policy amends the policy previously adopted on August 1, 2004, and adopted as revised on May 17, 2012. This Policy is subject to periodic review by the Office of Government and Legal Affairs. Any comments or suggestions should be forwarded to the Office of Government and Legal Affairs.

## **PURPOSE**

~~Loyola University New Orleans strives to create and maintain a working and learning environment in which individuals are treated with dignity, decency and respect. The environment of the University is characterized by mutual trust and the absence of intimidation, oppression and exploitation. Faculty, staff, and students are able to work and learn in a safe, yet stimulating atmosphere. For these reasons, Loyola does not tolerate unlawful discrimination or harassment of any kind. Through implementation and enforcement of this policy and through education of faculty, staff, and students, Loyola~~

seeks to discourage, prevent, correct and, when necessary sanction behavior that violates Loyola's policy on discrimination and harassment

## **~~1. IN GENERAL~~**

- a. ~~**Applicability and Sanctions for Policy Violations**~~—This policy applies to all students, faculty and staff of Loyola University New Orleans, as well as others who participate in Loyola programs and activities. Its application includes Loyola programs and activities both on and off campus, including overseas programs. Individuals who violate this policy are subject to discipline up to and including discharge, expulsion and/or other appropriate sanction or action.
- b. ~~**Prompt Attention**~~—Reports of discrimination and harassment are taken seriously and will be dealt with promptly.

## **~~2. WHAT IS PROHIBITED?~~**

- a. ~~The University's sexual harassment policy is designed to apply to employment and academic relationships among administrators, faculty, staff and students, and prohibits male to female, female to male, faculty to student, and same sex harassment.~~
- b. ~~It is a violation of this policy to discriminate in the provision of employment or educational opportunities, to create discriminatory work or learning conditions, or to use discriminatory evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, sex, national origin, age, religion, disability status, military/veteran status, sexual orientation, genetic information, marital status, citizenship status, or any other characteristic, unless required by law.~~
- c. ~~Discrimination on the basis of race, color, sex, national origin, age, religion, disability status, military/veteran status, sexual orientation, genetic information, marital status, citizenship status, or any other characteristic is prohibited by a variety of federal, state and local laws, including Title VI and Title VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; the Age Discrimination in Employment Act of 1975; the Americans With Disabilities Act of 1990; the Family and Medical Leave Act; the Equal Pay Act, and Louisiana statutes.~~
- d. ~~It is a violation of this policy to harass individuals in the provision of employment or educational opportunities. In general, harassment is defined as verbal and/or physical conduct that threatens, intimidates, coerces and creates a hostile environment on the basis of the prohibited classifications (the person's race, color, sex, national origin, age, religion, disability status, military/veteran status, sexual orientation, genetic information, marital status, citizenship status, or any other characteristic).~~

## **~~3. WHAT TO DO ABOUT DISCRIMINATION AND HARASSMENT~~**

~~Students, staff and faculty should use the same resources, processes and procedural protections described in Loyola's policy on Discrimination and Harassment.~~

#### **4. POLICY REVIEW AND EVALUATION**

This policy replaces the policy previously adopted on August 1, 2004, and revised April 23, 2010, and is effective on May 17, 2012. It is subject to periodic review by the Diversity Committee and the Office of General Counsel. Any comments or suggestions should be forwarded to the chair of the Diversity Committee or the Office of General Counsel.

#### **Discrimination and Harassment Policy**

##### **1. IN GENERAL**

- a. ~~Applicability~~—This policy applies to all students, faculty and staff of Loyola University New Orleans, as well as others who participate in Loyola programs and activities. Its application includes Loyola programs and activities both on and off-campus, including overseas programs.
- b. ~~Respect for Each Other~~—Loyola University New Orleans strives to provide a place of work and study free of discrimination and sexual harassment, intimidation or exploitation. It is expected that students, faculty, staff and other individuals covered by this policy will treat one another with respect.
- c. ~~Diversity~~—The University acknowledges everyone’s differences such as individuals from different races, gender, sexual orientation, mental/physical ability, culture, background, experiences, etc. All students, faculty, staff and other individuals covered by this policy are responsible for promoting an environment of inclusion.
- d. ~~Prompt Attention~~—Reports of sexual harassment are taken seriously and will be dealt with promptly. The specific action taken in any particular case depends on the nature and gravity of the conduct reported and may include intervention, mediation, investigation and the initiation of complaint and disciplinary processes. Where discrimination and sexual harassment has occurred, the University will act to stop the harassment, prevent its recurrence, and discipline and/or take other appropriate action against those responsible.
- e. ~~Confidentiality~~—The University recognizes the importance of confidentiality. Those responsible for implementing this policy will respect the confidentiality and privacy of individuals reporting or accused of discrimination or sexual harassment to the extent reasonably possible. Examples of situations where confidentiality cannot be maintained include circumstances when the law requires disclosure of information and/or when disclosure required by the University outweighs protecting the rights of others. In all cases, the issues of confidentiality must be balanced with the University’s need to investigate and take appropriate action.
- f. ~~Sanctions for Policy Violations~~—Individuals who violate this policy are subject to discipline up to and including termination, expulsion and/or other appropriate sanction or action.
- g. ~~Protection Against Retaliation~~—Retaliation and/or reprisals against an individual who in good faith reports or provides information about behavior that may violate this

- policy are against the law and will not be tolerated. However, intentionally making a false report or providing false information is grounds for discipline.
- ~~h. Prevention—Loyola prohibits all unprofessional behaviors that may be perceived as discrimination or sexual harassment, including behavior that may not meet the legal definition of unlawful discrimination or sexual harassment.~~
  - ~~i. Relationship to Freedom of Expression—Loyola is committed to the principles of free inquiry and free expression. Vigorous discussion and debate are fundamental to the University, and this policy is not intended to stifle teaching methods or freedom of expression generally, nor will it be permitted to do so. However, discrimination or sexual harassment is neither legally protected expression nor the proper exercise of academic freedom. It compromises the integrity of the University, its tradition of intellectual freedom and the trust placed in its members.~~
  - ~~j. Required Training—In compliance with Loyola policy, all employees are required to participate in sexual harassment training at least every two years.~~

## **2. DEFINITIONS**

### ***Sexual Harassment***

~~Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:~~

- ~~a. It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in academic or employment decisions or evaluations, or permission to participate in a University activity, OR~~
- ~~b. The conduct has the purpose or effect of unreasonably interfering with an individual's academic or work performance or creating an intimidating or hostile academic, work or student living environment.~~

~~Determining what constitutes sexual harassment depends on the specific facts and context in which the conduct of a sexual nature occurs. Sexual harassment may take many forms—subtle and indirect or blatant and overt. For example, it may:~~

~~Be conduct toward an individual of the opposite sex or the same sex.~~

~~Occur between peers or between individuals in a hierarchical relationship.~~

~~Be aimed at coercing an individual to participate in an unwanted sexual relationship or it may have the effect of causing an individual to change behavior or work performance.~~

~~Consist of repeated actions or may even arise from a single incident if sufficiently egregious.~~

~~There are three (3) types of sexual harassment:~~

~~1.) Quid pro quo—where submission to harassment is used as the basis for employment or educational decisions.~~

~~Quid pro quo harassment occurs when employee benefits such as raises, promotions, working hours, etc., or student benefits such as grades, assignments, recommendations, etc. are directly linked to compliance with sexual advances. Therefore, only someone with the authority to grant such benefits can engage in quid pro quo harassment.~~

~~2.) Hostile work or learning environment—where the harassment creates an offensive and unpleasant working or learning environment.~~

~~3.) Third party harassment—when a party or parties are not sexually harassed directly, but suffer the consequences of sexual harassment.~~

### ***Sexual Assault***

~~The University's Sexual Assault Program (<http://finance.loyno.edu/police/campus-sexual-assault-program>) may also apply when sexual harassment involves physical contact. In addition, there are options for students:~~

~~([http://studentaffairs.loyno.edu/sites/studentaffairs.loyno.edu/files/Loyola\\_University\\_New\\_Orleans\\_Options\\_After\\_Sexual\\_Assault.pdf](http://studentaffairs.loyno.edu/sites/studentaffairs.loyno.edu/files/Loyola_University_New_Orleans_Options_After_Sexual_Assault.pdf)).~~

### ***Discriminatory Harassment***

~~Discriminatory harassment is defined as verbal or physical conduct directed toward an individual solely because of his or her gender, race, nationality, religion, creed, age, disability, citizenship and/or presumed or actual sexual orientation that (a) stigmatizes the individual as known by the speaker to invoke violence or imminent harm, or (b) is of a continual nature such that it creates an intimidating, hostile or offensive working, academic or campus environment or (c) unreasonable interference with an individual's work or academic performance.~~

### ***Diversity***

~~Loyola is committed to providing a diverse academic atmosphere. This idea is rooted in the belief that diversity enriches our social interactions and intellectual lives by exposing us to different cultures, ideas, and ethnicities. Recognizing the role which diversity plays in our mission, Loyola strives to maintain an educational community that is safe, welcoming, and inclusive for all of its faculty, staff, and students.~~

### **~~3. WHAT ACTIONS CONSTITUTE SEXUAL HARASSMENT?~~**

~~You have a right to work, learn and live in an environment free from sexual harassment. The following are some examples of conduct, particularly unwelcome, which may constitute sexual harassment:~~

- ~~• Direct proposition of a sexual nature and/or subtle pressure for sexual activity that is unwanted and unreasonably interferes with a person's work or academic environment~~

- ~~Gender harassment, including sexist statements and behavior that convey insulting, degrading, or sexist attitudes~~
- ~~Persistent and unwanted request for dates, unwelcome and inappropriate letters, telephone calls, email, or other communication or gifts~~
- ~~Direct or implied threats that submission to sexual advances will be a condition of employment, work status, promotion, grades, or letters of recommendation~~
- ~~Subtle or overt pressure for sexual favors~~
- ~~Unwanted physical contact such as touching, hugging, brushing against a person's body, impeding or blocking movements~~
- ~~Sexually explicit statements, questions, jokes, or anecdotes regardless of the means of communication (oral, written, email, text messages, etc.)~~
- ~~The display of inappropriate sexually oriented materials Sexual Assault, attempted rape, or rape (See sexual assault section)~~

#### ~~4. WHERE TO REPORT A DISCRIMINATION OR SEXUAL HARASSMENT COMPLAINT~~

~~The following are the primary methods for reporting discrimination or sexual harassment at Loyola. There is no requirement to follow them in any specific order. However, early informal methods are often effective in correcting questionable behavior.~~

~~If you feel comfortable enough, you may speak with the person, inform him/her of the unwelcome behavior and ask that the behavior stop immediately. Document the incident and the steps taken to resolve it.~~

~~If you feel uncomfortable speaking with the person engaged in the unwelcome behavior, or if you are unsure about your concerns and have questions, you may discuss your concerns with, and address your questions to, one of the advisors trained by Loyola University New Orleans Compliance Officer. A list of those advisors may be found at the following link: <http://president.loyno.edu/general-counsel>~~

~~To file a discrimination or sexual harassment complaint, the complainant should contact the Office of Compliance, Marquette Hall, Suite 250, Ph. 504.865.2657.~~

~~Individuals seeking further information may also visit the following:~~

- ~~The Human Resources Department, Mercy Hall, Suite 102, Ph. 861-7757~~
- ~~University Counseling Center (UCC), Danna Student Center, Suite 205, Ph.865-3835. Individuals seeking further information regarding sexual assault may visit the following: Sexual Assault Advocacy Initiative or Advocates; <http://studentaffairs.loyno.edu/counseling/sexual-assault-victims-advocate-list-1st-responders-5> (See section on sexual assault)~~

a. ~~**Formal Complaint, Investigations, Appeal and Disciplinary Processes**~~—  
Complaint, appeal or disciplinary processes may be pursued as applicable.

~~(1) **Complaints, Investigations, and Appeals**~~—The applicable procedure depends on the circumstances and the status of the person bringing the charge and the person against whom the charge is brought. Generally, the process consists of the individual's submission of a written statement, of fact finding process or investigation by a University representative, followed by a decision and, in some cases, the possibility of one or more appeals, pursuant to the faculty appellate process, the human resources operating manual or the student code of conduct. The relevant procedure (see below) should be read carefully, since the procedures vary considerably.

If the identified University fact finder has a conflict of interest, an alternate will be arranged. The compliance officer (CO) can help assure that this occurs.

In most cases, complaints and appeals must be brought within a specified time after the action in question. While informal resolution efforts will not automatically extend the time limits for filing a complaint or appeal, in appropriate circumstances the complainant and the other relevant parties may mutually agree in writing to extend the time for filing a complaint or appeal.

A list of the established complaint and appeal procedures are located online or from the CO:

- ~~For staff dispute resolution policy and procedures, see Chapter Five of the Human Resources Policies, Procedures and Benefits at <http://finance.loyno.edu/human-resources/policies-procedures-benefits-manual>~~
- ~~For Faculty refer to the Faculty Handbook, Chapter 1 at [http://academicaffairs.loyno.edu/sites/academicaffairs.loyno.edu/files/CH1-Final\\_7.pdf](http://academicaffairs.loyno.edu/sites/academicaffairs.loyno.edu/files/CH1-Final_7.pdf)~~
- ~~For students refer to the Student Code of Conduct, Chapter 5 at <http://studentaffairs.loyno.edu/sites/studentaffairs.loyno.edu/files/Section%204%20Discipline%20Policies%20and%20Procedures.pdf>~~

~~(2) **Disciplinary Procedures**~~—In appropriate cases, disciplinary procedures may be initiated. The applicable disciplinary procedure depends on the status of the individual whose conduct is in question. For example, faculty is subject to the Faculty Handbook at <http://academicaffairs.loyno.edu/faculty-handbook> and students to the Student Code of Conduct at <http://studentaffairs.loyno.edu/student-handbook>. For additional information related to student judicial affairs, see <http://studentaffairs.loyno.edu/sites/studentaffairs.loyno.edu/files/Section%204%20Discipline%20Policies%20and%20Procedures.pdf>.

Staff members are subject to the Human Resources Policies and Procedures Manual at <http://finance.loyno.edu/human-resources/policies-procedures-benefits-manual>.

The individuals referenced in this section are available to discuss these options and other methods for dealing with discrimination and sexual harassment.

## **5. PROCEDURAL MATTERS**

- a. **Investigations** — If significant facts are contested, an investigation may be undertaken. The investigation will be conducted in a way that respects, to the extent possible, the privacy of all of persons involved. In appropriate cases, professional investigators may be asked to assist in the investigation.

The results of the investigation may be used in the third party intervention process or in a complaint or disciplinary action. The CO will oversee all investigations. Investigations involving faculty members will be conducted by the Office of the Provost with the support of the CO.

- b. **Recordkeeping** — The CO will track reports of discrimination and sexual harassment for statistical purposes and report at least annually concerning their number, nature and disposition to the University President.

The CO may keep confidential records of reports of sexual harassment and the actions taken in response to those reports, and use them for purposes such as to identify individuals or departments likely to benefit from training so that training priorities can be established.

- c. **Indemnification and Costs** — The question sometimes arises as to whether the University will defend and indemnify a Loyola employee accused of discrimination or sexual harassment. The issue of indemnification depends on the facts and circumstances of each situation.

## **6. SEXUAL ASSAULT CASES**

Students who are survivors of sexual assault are highly encouraged to contact University police. Reporting an assault to the University police does not require filing criminal charges; however, it does allow the University to assist and support the survivor. Sexual assault is an egregious form of sexual harassment and it is a crime.

The University takes all incidents seriously. The University supports the right of the survivor of a sexual assault to decide how best to utilize various University, community, private and public support systems designated to address crimes of sexual assault. Within the University, instances of sexual assault should be reported to: Loyola University Police Department: 504.865.3434

## **7. CONSEQUENCES OF DISCRIMINATION OR SEXUAL HARASSMENT**

These forms of harassment have adverse effects on the victim. The student, faculty or employee may suffer a diminished ability to work and/or study, which may have a lasting career impact or a loss of confidence in the University's ability to provide a comfortable and safe environment for work and learning. A student's educational goals may also be significantly affected if the student decides to avoid certain courses, change his or her area of study, or transfer to another institution.

~~In addition, these forms of harassment impacts the University and the department(s) involved. The University and the department(s) may experience an atmosphere of fear, intimidation, declining work productivity and office morale.~~

~~A person found responsible for discrimination or sexual harassment may face:~~

- ~~• Student disciplinary action~~
- ~~• Letter of reprimand~~
- ~~• Denial of promotion~~
- ~~• Demotion~~
- ~~• Suspension~~
- ~~• Termination~~

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## **8. DUTY TO REPORT**

~~Managers, supervisors, faculty and other agents of the University have a duty to report any known or alleged incidents of sexual harassment.~~

## **9. RESOURCES FOR DEALING WITH SEXUAL HARASSMENT**

~~**External Reporting**—Discrimination and sexual harassment are prohibited by state and federal law. In addition to the internal resources just described, individuals may pursue complaints directly with the government agencies that deal with unlawful harassment and discrimination claims, e.g., the U.S. Equal Employment Opportunity Commission (EEOC) at <http://www.eeoc.gov/field/neworleans/index.cfm>, the Office for Civil Rights (OCR) of the U.S. Department of Education at <http://www2.ed.gov/about/offices/list/ocr/index.html>, and the Louisiana Commission on Human Rights at <http://gov.louisiana.gov/HumanRights/humanrightshome.htm>. These agencies are also listed in the Government section of the telephone book. A violation of this policy may exist even where the conduct in question does not violate the law.~~

## **10. POLICY REVIEW AND EVALUATION**

~~This policy replaces the policy previously adopted on August 1, 2004, and revised April 23, 2010, and is effective May 17, 2012. It is subject to periodic review by the Diversity Committee and the Office of General Counsel. Any comments or suggestions should be forwarded to the chair of the Diversity Committee.~~