

Equity and Inclusion Policy

Authority: President

Date Enacted or Revised: Revised January 26, 2011; January 26, 2016; April 17, 2018; Replaced Diversity Awareness Policy April 2018; September 11, 2019; July 2021; March 24, 2022; January 10, 2023

Purpose

McNeese State University strives to provide our campus community with the tools to embrace a changing and challenging new demographic market. To that end, we will engage all communities and under-represented populations. McNeese will be inclusive of all—regardless of age, color, disability, ethnicity, gender, gender expression, marital status, military status, national origin, religion, sex, or sexual orientation—in admission, employment, and participation in its educational programs, services, and activities.

Scope

Any group or individual wishing to operate under the aegis of McNeese State University or to use the University's facilities must abide by this policy. All course syllabi must include the statement "Students should visit www.mcneese.edu/cdo and www.mcneese.edu/policy, on the University website for policies and procedures regarding disabilities, equity and inclusion, sexual misconduct, anti-bullying, civility and personal conduct, and retaliation."

Federal and State Laws Applicable to Discrimination

Racial Discrimination – Civil Rights Act of 1964

No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity.

McNeese State University regulations specifically prohibit the following racially discriminatory actions:

1. Deny a service or provide a service, financial aid, or other benefit which is provided in a different manner from that of others.
2. Subject an individual to segregation or separate treatment in any matter related to their receipt of any service, financial aid, or other benefit.
3. Restrict an individual in any way in the pursuit of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit.
4. Treat an individual differently from others in determining whether they satisfy any admission, enrollment, quota, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided service, financial aid, or other benefits.
5. Allow an individual to participate in a program which is different from that afforded others.
6. Deny a person the opportunity to participate as a member of a planning or advisory body.

Sexual Harassment/Discrimination – Title VII

Sexual harassment may be either same gender or different gender. It includes any unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of this nature where:

1. Submission to the conduct is either explicitly or implicitly a term or condition of an individual's employment or academic status.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual.
3. Such conduct is so severe, pervasive, and objectively offensive that it unreasonably interferes with an individual's performance or creates an intimidating or hostile environment that effectively denies that individual equal access to university resources and opportunities.
4. Submission to or rejection of such conduct results in an individual being denied opportunities to advance professionally or academically where ability and/or other relevant factors would normally be the basis for such advancement.

Gender Discrimination – Title IX Education Amendments of 1972 as Amended

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.

Sexual Orientation Discrimination – Executive Order EWE 92-7; KBB2004-54

1. No state agency or department shall discriminate on the basis of sexual orientation against an individual in the provision of any services or benefits by such state agency or department.
2. No state agency or department shall discriminate on the basis of sexual orientation against any individual in any matter pertaining to employment by the state, including but not limited to hiring, promotion, tenure, recruitment, and compensation.
3. All contracts for the purchase of services by any state agency or department shall be awarded without discrimination on the basis of sexual orientation of persons seeking such contracts. Further, all such contracts shall include a provision that the contractor shall not discriminate on the basis of sexual orientation in any matter relating to employment.
4. Any “entity” or “contractor” of the state is prohibited from considering race, religion, gender, sexual orientation, national origin, political affiliation, or disabilities when making decisions relating to “hiring, tenure, recruitment, or compensation” of employees.

Age Discrimination Act of 1967, as amended

It is unlawful in situations where this Act applies for an employer to discriminate in hiring or in any other way based on age.

Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

McNeese State University does not discriminate against a qualified individual on the basis of disability and is committed to providing access to its programs, services, and activities. Efforts to ensure non-discrimination and academic adjustments for students, accommodations for applicants and visitors, and reasonable accommodations for employees with disabilities are based on the Americans with Disabilities Act Amendments Act of 2008 (ADAAA).

Public Law 111-84 – OCT. 28, 2009[H.R. 2647], “National Defense Authorization Act for 2010”, Division E – Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act

“Congress makes the following findings: (1) The incidence of violence motivated by the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim poses a national problem. (2) Such violence disrupts the tranquility and safety of communities and is deeply divisive. (3) State and local authorities are now and will continue to be responsible for prosecuting the overwhelming majority of violent crimes in the United States, including violent crimes motivated by bias. These authorities can carry out their responsibilities more effectively with greater federal assistance.”

The information cited below is as presented in SEC.4704. Support for criminal investigations and prosecutions by state, local, and tribal law enforcement officials:

“(a) ASSISTANCE OTHER THAN FINANCIAL ASSISTANCE.- (1) in general.-At the request of a state, local, or tribal law enforcement agency, the attorney general may provide technical, forensic, prosecutorial, or any other form of assistance in the criminal investigation or prosecution of any crime that-(A) constitutes a crime of violence; (B) constitutes a felony under the state, local, or tribal laws; and (C) is motivated by prejudice based on the actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability of the victim, or is a violation of the State, local, or tribal hate crime laws. (b)- GRANTS-(7) AUTHORIZATION OF APPROPRIATIONS.-There is authorized to be appropriated to carry out this subsection \$5,000,000 for each of fiscal years 2010, 2011, and 2012.”

The information cited below is as presented in SEC.4708. STATISTICS:

“(A) IN GENERAL.-Subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ‘gender and gender identity,’ after ‘race.’. (b) DATA-Subsection (b)(5) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note) is amended by inserting ‘, including data about crimes committed by, and crimes directed against, juveniles’ after ‘data acquired under this section.’”

Filing a Grievance

Any person who believes that the Equity and Inclusion Policy has not been followed or they or their organization has been the object of discrimination or harassment by any student or student organization should present those allegations in writing via one of the following methods:

- [Unclassified Grievance/Complaint Policy](#);
- [Grievance Policy for Classified Employees](#);
- Submit a written complaint via the [Office of Inclusive Excellence Complaint/Reporting Form](#); or

- Contact the director of the Office of Inclusive Excellence, Burton Business Center Room 404; (337) 475-5428; (337) 562-4227 TDD/TTY, Hearing Impaired; (337) 475-5960 Fax; cdo@mcneese.edu.

Consequences

A harassment or discrimination policy violation by any faculty or staff member of the University may result in and may not be limited to the following: discharge, termination of appointment or contract, demotion, or written reprimand. In addition, that individual as well as the University may be held responsible for any legal claims that may arise.

Training

The University and the state of Louisiana will provide training in the areas of inclusion, diversity and equity, and the prevention of sexual misconduct.

Communication

This policy is distributed via the University Policies webpage.