

J. Sexual and Work Place Harassment

The following is the Sexual and Work Place Harassment Policy and Procedures of the Town of Dubach.

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I. PHILOSOPHY

Employees of the Town of Dubach deserve to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. The Town of Dubach is committed to providing its employees a work environment free from inappropriate and offensive behavior of a sexual nature. For this reason, the Town of Dubach has a zero-tolerance policy regarding harassment or discrimination of any kind. All individuals, associated with, or employed by the Town of Dubach are covered by and are expected to comply with this policy.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every Town of Dubach employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy and related training requirements, the Town of Dubach seeks to reinforce its intolerance of sexually inappropriate behavior, harassing behavior of any kind, and encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy.

Employees can be assured that the Town of Dubach will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

II. PURPOSE

All Town of Dubach employees have a right to a work environment free of harassment and discrimination. For this reason, employees must refrain from offensive and inappropriate conduct, especially of a sexual or racial nature, within the workplace. Managers and supervisors are responsible for disseminating and discussing this policy with subordinates and ensuring that the workplace is free of such behavior.

Through this policy and the mandatory associated training required for all employees, the Town of Dubach seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Require prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees

III. APPLICABILITY

This policy applies to all Town of Dubach employees regardless of rank or status. This includes full time, part time, seasonal and temporary employees. The tenets of this policy are equally applicable to all individuals associated with the Town of Dubach, including members of Committees and Boards.

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This policy also applies to non-employees, including visitors and individuals who transact business with the Town of Dubach such as vendors, customers, contractors, and consultants. These non-employees are prohibited from engaging in the behaviors prohibited in this policy and are also protected from experiencing such behavior by Town of Dubach employees.

This policy applies not only to the customary workplace and work locations where the Town of Dubach employees may be assigned, but also prohibits such behavior while traveling for work, while attending conference or off-site meetings, workshops, training, business trips, and business-related social events. In addition, this policy applies to off-duty, off-premises behaviors which has an impact on and a relation back to the workplace.

IV. PROHIBITED CONDUCT

The harassment of any individual because of race, color, gender, sexual orientation, religion, national origin, ancestry, age, marital or parental status, disability or other status protected under state or federal law is strictly prohibited and will not be tolerated. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, or disability, or that of his/her relatives, friends, or associates, and that: (1) has the purpose or effect of creating an intimidating, hostile, or offensive working environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to, the following: (1) verbal conduct, such as offensive name-calling, epithets, slurs, negative stereotyping, denigrating comments or labels; (2) threatening, intimidating or hostile acts that relate to race, color, religion, gender, national origin, age, or disability; (3) written or graphic material that denigrates or shows hospitality or aversion toward an individual or group because of race, color, religion, gender, national origin, age, or disability and is placed on walls, bulletin boards, or elsewhere on an employer's premises, or circulated in the workplace; (4) nonverbal conduct, such as staring, leering, and giving inappropriate gifts; and (5) physical conduct, such as assault, unwanted touching, intentionally blocking normal movement, or interfering with work.

Sexually inappropriate behavior proscribed by this policy can take many forms, including, but not limited to: (1) unwelcomed sexual advances; (2) requests for sexual favors; (3) demanding sexual favors with an implied or overt threat concerning hiring, promotion, termination, or other conditions of employment; (4) touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body; (5) Sexually suggestive touching, grabbing, groping, kissing, or fondling; (6) lewd, off-color, sexually oriented comments or jokes, sexually oriented or explicit remarks, including written or oral references to sexual conduct, gossip or questions regarding one's sex life, body, sexual activities, deficiencies, or prowess; and (7) conduct of a sexual nature that unreasonably interferes with an employee's job performance and creates an intimidating, hostile, or offensive work environment.

Such inappropriate behavior may be by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, contractor, client or visitor to the Town of Dubach. Finally, an employee may be the victim of inappropriate behavior even though not the target

of such behavior.

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature wherein:

- Submission to such conduct is explicitly/implicitly a term or condition of employment; **or**
- Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts, training opportunities, or any other condition of employment or career development); **or**
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. Examples include, but are not limited to, the following:

- Unwelcomed sexual flirtations, advances or propositions;
- Unwelcomed request for sexual favors;
- Unwelcomed sexual teasing, jokes, remarks, insults, innuendo or inquiries;
- Unwelcomed physical contact (i.e. touching, rubbing, leaning over, pinching, invading another's space by leaning over, purposefully cornering, or blocking passage);
- Unwelcomed sexual looks or gestures;
- Verbal, written or physical abuse of a sexual nature;
- Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
- Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.);
- Sexually insulting noises;
- Using crude and offensive language;
- Discussing sexual activities, or exploits;
- Inappropriate commenting on a person's attributes;
- Displaying sexually suggestive objects, statements, drawings, graffiti, books, magazines, photographs, cartoons or pictures; and/or
- Unwelcomed repeated requests for dates or social engagement.

However, constructive criticism and supervisory actions regarding performance deficiencies or other workplace issues is not harassment.

V. REPORTING PROCEDURE

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. The Town of Dubach does not require a fixed reporting time or deadline-the sooner the better is preferred and immediately reporting is ideal.

Any individual who believes that he or she has been the subject of any form of harassment

and/or discrimination by any other employee, official, individual, or outside party engaged in business with the Town should, and is encouraged to file a complaint with the Town Clerk, Mayor, or the employee's supervisor. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text) and need not utilize a specific form. However submitted, the individual filing the complaint must provide the name of the alleged harasser, and specific information regarding the incident including the names of witnesses, if any, for further processing of the complaint to occur.

If a supervisor becomes aware that harassment or discrimination is occurring, either from personal observation or as a result of an individual coming forward, the supervisor or manager is required to immediately report it to the Town Clerk, the Mayor, or the Mayor's designee.

VI. INVESTIGATION OF COMPLAINT

The Town of Dubach will investigate all complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.

The Town of Dubach will conduct a prompt and thorough investigation of the alleged incident or behavior named in the complaint to the extent possible, and appropriate corrective action will be taken if warranted.

The investigation will be thorough and include interviews with the complainant, the accused, witnesses, and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.

The investigative process will be memorialized, thus requiring that all involved to prepare written statements or provide verbal statements that will be recorded.

Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees do not have the option of remaining silent or declining to be involved.

The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.

To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved. Employees who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.

The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

VII. COMPLAINT RESOLUTION

Individuals found to have engaged in any form of harassment and/or discrimination will be disciplined as appropriate. Such action may include counseling, training, reprimand, suspension, demotion, and/or termination.

Disciplinary action may also be taken against any individual who fails to cooperate fully and honestly in the investigation of a complaint of harassment or discrimination, or who files a complaint of harassment or discrimination in bad faith.

Founded claims of any form of harassment or discrimination by contractors, vendors, or other outside parties doing business with the Town of Dubach will be dealt with appropriately.

Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome nor completion of the Town of Dubach's administrative investigation.

VIII. NON-RETALIATION

Any employee making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.

If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process appropriate, severe disciplinary action will be taken, including the possibility of termination.

IX. TRAINING

The Town of Dubach recognizes that implementation of a policy prohibiting sexually inappropriate behavior in the workplace alone is insufficient to prevent and address such behavior.

To support this policy and encourage a culture where employees willingly report concerns, the Town of Dubach requires all employees to successfully complete training on this topic upon hire and on a continuing basis thereafter. At a minimum, the Town of Dubach requires the following training for its employees:

- Upon hire, all new employees must be provided a copy of this policy and are required to sign an acknowledgment that they received the policy, read the policy, and understand the policy.
- On an annual basis, all employees are required to complete at least one hour of training on sexual harassment. Certification of successful completion will be documented in the employees file and in the City's Training Log required by state law.
- Within 30 days of attaining a supervisory position, all new supervisors are required to complete the training on sexual harassment designated for supervisory personnel. Certification of successful completion will be documented in the employees file.

X. FEDERAL AND STATE LAWS

This policy establishes a procedure to administratively report and address complaints of sexually

inappropriate behavior. This policy is intended to supplement rather than replace or supersede the statutory prohibitions against harassment or discrimination due to race, color, gender, sexual orientation, religion, national origin, ancestry, age, marital or parental status, disability or other status or the private and/or statutory procedures regarding inappropriate workplace behavior, harassment, or discrimination available to employees under state and federal law, including, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et. seq.; Equal Rights Under the Law as Amended by the 1991 Civil Rights Act, 42 U.S.C. §1981; 42 U.S.C. §1981a, et. seq.; Louisiana Employment Discrimination Law, La. R.S. 23:301 et seq.; and Louisiana Commission on Human Rights, La. R.S.51:2231.

Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior.

For more information or to initiate a claim under federal or state law, employees are referred to the EEOC and the LCHR:

EEOC
800-669-4000 (voice)
504-589-2958 (TDD)
504-595-2844 (fax)
<https://www.eeoc.gov>

LCHR
225-342-6969 (voice)
888-241-0859 (TDD)
225-342-2063 (fax)
<http://gov.louisiana.gov/page/lchr>

XI. VIOLATIONS

Any employee, regardless of rank or status, found to have violated the prohibitions of this policy will be subject to disciplinary action, up to and including termination. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- Failure to comply with mandatory training requirements;
- Failure by a supervisor to timely report a complaint of sexually inappropriate behavior;
- Failure to participate in or cooperate with the investigative process;
- Providing false information or withholding information during questioning;
- Filing a false, malicious, or frivolous complaint; or
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process.

Any employee, regardless of rank or status, who intentionally fails to properly and timely report sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination.

Any employee found to have intentionally or maliciously falsely accused another of sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination. This prohibition is not intended to discourage employees from filing good faith complaints of behavior proscribed by this policy.

XII. QUESTIONS/COMMENTS

Questions or comments concerning sexual harassment, sexually inappropriate behavior or the interpretation or enforcement of this policy should be addressed to the Town Clerk, the Mayor, or the Town Attorney. To the extent possible, such inquiries will be maintained in strict confidence. Employees are reminded that complaints will be appropriately investigated notwithstanding the employee's request that no action be taken or that the investigative process be delayed.