

## POLICY ON SEXUAL HARASSMENT

This represents the organizational policy of the City of Minden concerning sexual harassment and the Prevention of Sexual Harassment. *See also R.S. 42:341-344.* Any questions concerning the context or content of this policy should be discussed with your Department Head, Human Resources or the Mayor.

It is the belief of the City of Minden that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the City of Minden must understand its position on harassment.

The purpose of this policy is not to regulate our employees' personal morality, but to ensure that no one harasses another individual in the workplace, including while on City of Minden premises, while on City of Minden business (whether or not on City of Minden premises) or while representing the City of Minden.

In addition to being a violation of this policy, harassment or retaliation based on any protected characteristic as defined by applicable federal, state, or local laws also is unlawful. For example, sexual harassment and retaliation against an individual because the individual filed a complaint of sexual harassment or because an individual aided, assisted or testified in an investigation or proceeding involving a complaint of sexual harassment as defined by applicable federal, state, or local laws are unlawful.

### **Sexual Harassment Defined:**

Sexual harassment is defined as unwelcome sexual advances or unsolicited sexual advances, requests for sexual favors, conversations regarding sexual activities and other verbal, visual or physical conduct of a sexual nature when:

- submission to that conduct or those advances or requests is made either explicitly or implicitly a term or condition of an individual's employment; or
- submission to or rejection of the conduct or advances or requests by an individual is used as the basis for employment decisions affecting the individual; or
- The conduct, advances, or requests have the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment and discrimination in the work place are prohibited by federal law through the Civil Rights Act of 1964 and by state law through *LA R.S. 23:301*. These laws prohibit both *quid pro quo* harassment, which arises when consent to sexual demands is made an express or implied condition of employment, and hostile work environment harassment, which arises when the workplace is permeated with discriminatory intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and created an abusive working environment.

Sexual harassment may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

- a.) *Verbal:* Sexual innuendos, suggestive comments, threats, sexual humor;
- b.) *Non-Verbal:* Leering, whistling, obscene gestures, showing inappropriate images, and



- c.) *Physical*: Touching, brushing the body, coerced sexual activity, assault, impeding egress or passage.

**Examples of conduct that violate this policy include, but are not limited to:**

1. unwelcome flirtations, leering, whistling, touching, pinching, assault, blocking normal movement;
2. requests for sexual favors or demands for sexual favors in exchange for favorable treatment;
3. obscene or vulgar gestures, posters or comments;
4. sexual jokes or comments about a person's body, sexual prowess or sexual deficiencies;
5. propositions or suggestive or insulting comments of a sexual nature;
6. derogatory cartoons, posters and drawings;
7. sexually-explicit e-mails, text messages or voicemails;
8. uninvited touching of a sexual nature;
9. unwelcome sexually-related comments;
10. conversation about one's own or someone else's sex life;
11. conduct or comments consistently targeted at only one gender, even if the content is not sexual; and
12. Teasing or other conduct directed toward a person because of the person's gender.

**Sexual Harassment Prohibited:**

Sexual harassment and discrimination in the workplace shall not be tolerated and the City of Minden will take appropriate action to end any such harassment and/or prevent the recurrence of any such misconduct.

**If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate, and that the employee would like it stopped.**

**Reporting Sexual Harassment Complaint/Grievance:**

If an employee has been subjected to or witnessed conduct, which violates this policy, the employee should – as soon as possible report the matter to Department Head and/or Human Resources. If the employee is unable for any reason to contact this person, or if the employee has not received an initial response within five (5) business days after reporting any incident of what the employee perceives to be harassment, the employee should contact Department Head and/or Human Resources. If the person toward whom the complaint is directed is one of the individuals indicated above, the employee should contact any higher-level manager in the reporting hierarchy.

**Investigation Procedures:**

Every report of perceived harassment shall be fully investigated, and corrective action may be taken where appropriate. All complaints are to be kept confidential to the extent possible, but confidentiality cannot be guaranteed. All employees must cooperate with all investigations conducted pursuant to this policy. After the investigation is completed, within five (5) business days a written recommendation by the Department Head shall be made to the Mayor, which shall be one of the following:

1. A finding that no prohibited conduct has occurred.
2. A finding that material facts are in dispute for further review by the Mayor.
3. A finding that no facts are in dispute and that prohibited conduct has occurred.

Either the complainant or the person against whom the complaint was made may appeal the recommended finding to the Mayor under the *Problem Solving Procedure of Sec. 12-11*.



### **Mandatory Training Requirements – R.S. 42:343**

Public Servant Required Annual Training: This includes all City of Minden employees, full-time, part-time, temporary, elected officials, committee members, and board members.

- 1.) **Receipt of Harassment Policy Acknowledgement** – This is part of the Employment Policies and Procedures Handbook and is given to all City of Minden Employees.
- 2.) **Preventing Sexual Harassment** - This course is designed to raise awareness regarding the prevention of sexual harassment. The course contains interviews with individuals who are considered field experts on the topic and prevention of sexual harassment. This course offers general knowledge of what could be considered sexual harassment along with practical steps that can be taken to prevent sexual harassment from happening in the workplace. This course also offers printable resources that can be used to assist with increasing awareness and/or responding to potentially sexually harassing situations. This course meets the one (1)-hour training requirement as outlined ACT 270 of the 2018 regular session.
- 3.) **Preventing Sexual Harassment for Supervisors** - This course is designed to raise the awareness of supervisors regarding the prevention of sexual harassment. The course includes a self-assessment to help supervisors identify potential areas for improvement. The course also presents practical strategies supervisors can use to prevent sexual harassment in our workplace. This course meets the requirements for supervisors to receive training on preventing sexual harassment as required by ACT 270 of the 2018 regular session.

### **Retaliation Prohibited**

In addition, City of Minden shall not allow any form of retaliation against individuals who report unwelcome conduct to management or who cooperate in the investigations of such reports in accordance with this policy. If the employee has been subjected to any such retaliation, the employee should report it in the same manner in which the employee would report a claim of perceived harassment under this policy.

Violation of this policy including any improper retaliatory conduct shall result in disciplinary action, up to and including termination.

### **Mandatory Reporting Compliance R.S. 42:344**

The City of Minden Human Resources shall compile an annual report by February first of each year containing information from the previous calendar year regarding Sexual Harassment Prevention compliance, including the following:

- 1.) The number and percentage of employees (public servants) who have completed the Sexual Harassment Prevention training requirements;
- 2.) The number of sexual harassment complaints received;
- 3.) The number of complaints which resulted in a finding that sexual harassment occurred;
- 4.) The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- 5.) The amount of time it took to resolve each complaint.