Sexual Harassment Policy

This represents the policy of the City of Rayne concerning harassment - both general and sexual. Any questions concerning the context of this policy should be discussed with your department head or the Mayor.

It is unlawful to harass a person because of that person's sex. Sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended and the Louisiana Employment Discrimination Law, LA Rev. Stat. § 23:332 *et seq*. All persons have a right to work in an environment free from sexual harassment. The City of Rayne prohibits harassment of any person by any municipal officer, agent, elected official, employee, municipal agency or department on the basis of sex or gender. While in the course and scope of employment, all municipal officers, agents, employees, elected officials, municipal agencies and departments are prohibited from sexually harassing any person, regardless of any employment relationship.

It is the City’s belief that its employees are the primary means by which the goals and objectives of the City will be met. All employees of the City of Rayne must understand its position on harassment. “*Sexual harassment”* is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

a) Submission to such conduct is made either explicitly or implicitly or as a condition of an individual’s employment;

b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the same individual; or

c) 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. For purposes of this section, an intimidating, hostile, or offensive work environment exists when sexual harassment is so pervasive or severe that it creates an intimidating, offensive workplace and alters the conditions of employment.

Examples of conduct and descriptions of behavior that may constitute sexual harassment include, but are not limited to:

a) *Verbal*: Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender specific traits, sexual propositions, threats, repeated requests for dates, statements about other employees that are of a sexual nature, or quid pro quo offers wherein an employee is in a management or supervisory role and states or implies that an employee must consent to unwelcome sexual advances in exchange for some economic benefits such as promotions, merits, job offers, or job retention. Quid pro quo sexual harassment also occurs when rejection of sexual advances would result in adverse decisions affecting an employee’s job status (i.e., demotion, termination, denial of employment);

b) *Non-Verbal*: Suggestive or insulting sounds such as “catcalls” or “kissing” noises, leering, whistling, obscene gestures, and sexually suggestive body gestures;

c) *Visual*: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic materials or websites;

d) *Physical*: Touching, unwelcome hugging, kissing, pinching, or brushing the body, coerced sexual activity, assault;

e) *Electronic*: Electronically sending messages with sexual content, including pictures and video, the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages, and social network websites).

Although severe and overt forms of sexual harassment may be readily apparent, some sexual harassment is subtle and varies depending on interpretation and perception. Review of sexual harassment allegations are subject to the standard of what offends a “reasonable person.”

The City of Rayne prohibits activity which falls within the definitions of unlawful harassment and will take appropriate action to end said harassment and/or prevent the recurrence of any such misconduct. Any form of harassment or discrimination that violates federal, state or local law, including but not limited to that which is related to an individual’s race, religion, color, sex, sexual orientation, national origin, pregnancy, age, disability, or other traits, characteristics, or activities that are protected by law, is a violation of this policy and will be treated as a disciplinary matter.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every City employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. This policy applies to all City of Rayne employees regardless of position, status, or authority. This includes classified and unclassified employees, full-time, part-time, seasonal and/or temporary employees. The prohibitions of this policy are equally applicable to appointed authorities, executive management, departmental heads, administrators, directors, managers, directors, supervisors, and staff.

If an employee believes that he has been sexually harassed or has witnessed an act of harassment, he or she should immediately report the incident to a supervisor, immediate supervisor or department head. Reporting a harassment complaint or discussing a complaint with a supervisor, immediate supervisor, or department head will result in an investigation. If, for whatever reason, the employee does not feel that the supervisor, immediate supervisor or department head is a suitable person to whom to report the incident, the employee should contact the Mayor or his designee at (337) 334-3121.

The procedure for reporting and dealing with these very sensitive issues is as follows:

A sexual harassment complaint may be an oral complaint initially, but must be followed by a written complaint. The complaint should include the date(s) the incident(s) occurred, name(s) of the individual(s) involved, name(s) of witness(es), and a detailed description of the incident(s).

Employees also have the right to file a complaint with the equal employment opportunity commission (EEOC), the human relations commission or to pursue other legal action, in addition to their rights under this policy. The EEOC provides employees three hundred (300) days to file an official complaint.

A supervisor, immediate supervisor or department head who ignores a request to cease harassing behavior or who engages in perpetuating sexual harassment in the agency shall face disciplinary action. The supervisor, immediate supervisor or department head who is informed or otherwise becomes aware of harassment that may be occurring is obligated to immediately report the allegation or complaint to the alleged harasser’s supervisor, immediate supervisor or department head, or initiate an investigation if the alleged harasser works within the same department or agency as the complainant.

(a) The supervisor, immediate supervisor or department head shall, as soon as practically possible, notify the alleged harasser that he or she has been named in a harassment complaint and that an investigation is being conducted.

(b) The supervisor, immediate supervisor or department head shall, as soon as practically possible, assess the need to relocate the complainant and/or the alleged harasser to another work unit. The complainant shall not be given work or placed at a work location that is, in any way less than the classification and pay grade of his or her current position.

The supervisor, immediate supervisor or department head shall initiate an investigation of the complaint or allegation as promptly as possible while ensuring the investigation is fair, complete and impartial. It shall be the city’s objective to complete all investigations within sixty (60) days unless compelling circumstances require additional time. An extension beyond sixty (60) days will require a written request to the Mayor or his designee prior to the expiration of the investigation. The written statement of the complainant or witness shall commence the sixty (60) day investigation period.

(a) The investigation shall include interviews with the complainant and the alleged harasser and any other person(s) who is believed to have information directly related to the complaint or investigation.

(b) To the extent permitted by law, the supervisor, immediate supervisor or department head shall assure compliance with any of the complainant’s privacy rights, as well as the alleged harasser’s rights.

(c) The supervisor, immediate supervisor or department head shall maintain records of the investigation and provide said records to other investigatory bodies and law enforcement agencies upon request.

(d) The supervisor, immediate supervisor or department head shall provide a written summary of the allegations and findings of the investigation to the city attorney for review. Said findings shall also be subsequently provided to the complainant and the alleged harasser; if the investigation substantiates the complaint of harassment, the complaint and findings may be referred to the office of the district attorney.

If the investigation substantiates the complaint of harassment, the supervisor, immediate supervisor or department head shall make a determination regarding the appropriate resolution, including disciplinary action. Before making the decision to impose disciplinary action, the supervisor, immediate supervisor or department head shall ensure that the harasser has been given the opportunity to review the results of the investigation, has received an explanation of the evidence obtained, and been given an opportunity to provide the supervisor, immediate supervisor or department head a response regarding the findings. The supervisor, immediate supervisor or department head shall take the alleged harasser’s response into account before taking final action in determining if harassment occurred and in the resolution of the complaint.

Substantiated complaints of sexual harassment may be subject to appropriate disciplinary action, which may include verbal or written reprimand, suspension or termination. Any discipline imposed by the city shall be separate and apart from any penalties imposed by a court of law or a state or federal agency. In addition to any disciplinary action taken, substantiated complaints shall be noted in the harasser’s official personnel file. If the harasser continues on as an employee, the disciplinary action shall be taken into consideration during the harasser’s performance evaluation.

Retaliation against an employee who brings a complaint of harassment, reports an allegation of sexual harassment on behalf of another, or participates in an investigation of a harassment complaint is prohibited and may result in disciplinary action.

(a) The City may make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such harassment has not suffered any retaliation.

(b) No retaliation of any kind will be tolerated because an employee, in good faith, reports an incident of suspected harassment.

(c) The supervisor, immediate supervisor or department head to whom the complaint was made will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

(d) Any employee who believes he or she has been subjected to unlawful harassment, sexual harassment, or retaliated against for reporting such activities or assisting in a related investigation of such activities must report the alleged act immediately or as soon as practically possible to the employee’s supervisor, immediate supervisor or department head or to the Mayor or his designee.

Allegations or complaints of sexual harassment that have been determined to be fabricated, knowingly false, or otherwise baseless shall require the supervisor, immediate supervisor or department head to impose disciplinary action against the complainant found to have filed the improper complaint, as well as any other employees that participated in the false allegation or complaint. Said disciplinary action may include verbal or written reprimand, suspension, or termination.

Each City employee, on an annual basis, shall receive a minimum of one hour education and training on preventing sexual harassment during each full calendar year of his or her City employment or term of office, as the case may be. Upon hiring, all new employees will be provided a copy and instructed to carefully review the City’s policy on sexual harassment. Within thirty (30) days of the hiring date, all new employees are required to meet with their supervisor, immediate supervisor or department head to discuss any concerns or uncertainties regarding their responsibilities under the City’s policy. The employee and supervisor or other individual so designated are required to sign an Acknowledgment and Certification to verify that this process has been completed. Within thirty (30) days of attaining a supervisory position, all new supervisors are required to complete the City’s most recent training on sexual harassment designated for management personnel. This training, which emphasizes identifying, preventing and responding to harassing behavior is thereafter to be completed every two (2) years.

The City shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

This policy will be prominently posted on the City’s website.

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 private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. 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/page/lchr>.