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|  | <b>Village of French Settlement<br/>Policy and Procedure</b> | <b>Document No.:</b>       |
|   | <b>SEXUAL HARASSMENT</b>                                     | Origination Date: 2/8/2021 |
|   |  | Revision:                  |
|   |  | Revision Date: 3/22/2022   |

## **SEXUAL HARASSMENT**

### **PRINCIPLE:**

This represents the organizational policy of the Village of French Settlement concerning sexual harassment. Sexual harassment and discrimination in the workplace shall not be tolerated and the Village of French Settlement will take appropriate action to end any such harassment and/or prevent the recurrence of any such misconduct. Any questions concerning the context or content of this policy should be discussed with the Mayor.

### **SCOPE:**


It is the belief of the Village of French Settlement that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the Village of French Settlement must understand its position on harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment and discrimination in the workplace are prohibited by federal law through the Civil Rights Act of 1964 and by state law through La. R.S. 23:301 et seq. 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 filled 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.

### **DEFINITIONS:**

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

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- d) Harassment: can include sexual harassment or unwelcomed sexual advances, requests for sexual favors and other verbal or physical harassment of a sexual nature. Although the law does not prohibit simple teasing, offhand comments or isolated incidents that are not very serious harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. Additional resources and guidance are available on the EEOC's website.

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

### **PROCEDURE:**


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. Any employee of the Village of French Settlement may file a complaint of sexual harassment.

Any employee who believes he or she has been subjected to unlawful sexual harassment, or has been 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 possible to their supervisor. It is not necessary for an employee to complain to an offending supervisor in order to report sexual harassment. If, for whatever reason, the employee does not feel that the persons named in this paragraph are suitable persons to whom to report the incident, the employee should contact the Mayor at [frenchsettlement@eatel.net](mailto:frenchsettlement@eatel.net).

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the Village of French Settlement will conduct such investigations on all complaints in a manner so as not to cause any serious effect on innocent employees who either file a complaint and/or may be the subject of a filed complaint. In all instances, a prompt and thorough investigation will take place, giving careful consideration to protect the rights and dignity of all persons involved.

It is mandatory that all parties to an allegation of sexual harassment participate in the investigation of the incident, and cooperation in the investigation of claims of harassment is an express element of each employee's employment with the Village of French Settlement. The Village of French Settlement will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

The Village of French Settlement will investigate by gathering information, in as confidential a manner as possible, given the need to investigate the complaint, from all concerned parties, and it will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. The Village of French Settlement may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The Village of French Settlement may also make

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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. All public servants have rights under federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of an investigation.

### **MANDATORY TRAINING REQUIREMENTS:**


Each public servant is required to receive a minimum of one of education and training on preventing sexual harassment during each full calendar year of his/her public employment or term of office. The education and training may be received either in person or through the internet training and educational materials approved by the public servant's agency head. The Mayor shall be responsible for maintaining the mandatory compliance records of each public servant. 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 is to be located in a conspicuous location in the agency's office.

### **MANDATORY REPORTS:**

The Mayor is responsible for compiling an annual report by February first of each year containing information from the previous calendar year regarding employees' compliance with the number and percentage of public servants in his agency who have completed the mandatory training requirements, the number of sexual harassment complaints received by his agency, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. These reports shall be public record and available to the public in the manner provided by the Public Records Law

### **CONSEQUENCES OF DEVIATIONS:**

No retaliation of any kind will be tolerated because an employee in good faith reports an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint. Any employee, manager, or supervisor found by the Village of French Settlement to have unlawfully sexually harassed, or unlawfully retaliated against, another employee will be subject to appropriate discipline, up to and including termination. If any employee, manager, or supervisor is found by the Village of French Settlement to have intentionally made a false allegation of sexual harassment, that individual will be subject to appropriate discipline, up to and including termination.

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Regardless of the outcome of the investigation by the Village of French Settlement, a complainant may pursue a claim under state and/or federal law.

**REFERENCES:**

LA Revised Statute 23:301

LA Revised Statute 42:341-344

[www.eeoc.gov/laws/types/sexual\\_harassment.cfm](http://www.eeoc.gov/laws/types/sexual_harassment.cfm)

[www.lma.org](http://www.lma.org)

| <u>Date</u> | <u>Policy Version</u> | <u>Explanation of Changes</u> |
|-------------|-----------------------|-------------------------------|
|             | <u>1</u>              | First application             |
|             | <u>2</u>              | First revision                |
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