

City of Baker

POLICY

Sexual & Non-Sexual Harassment

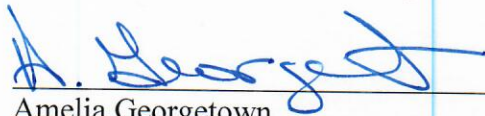
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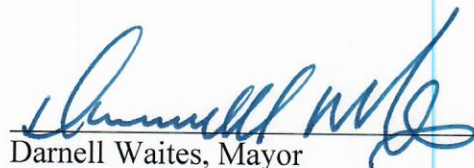
Revised: January 1, 2019



Amelia Georgetown  
Human Resources Director

1/27/18

Date



Darnell Waites, Mayor  
Appointing Authority

1/27/18

Date

## City of Baker

### Sexual & Non-Sexual Harassment Policy

#### **1. Philosophy**

In accordance with Title VII of the Civil Rights Act of 1964 and La. R.S. 23:301 et seq., it is the philosophy of the City of Baker that all employees have a right to work in an environment free from discrimination, including freedom from sexual harassment. All employees are required to comply with federal, state, and local laws, government regulations and executive orders which relate to sexual harassment. All employees must refrain from offensive or inappropriate conduct of a sexual nature within the workplace. Even though it's the type of harassment that is most often reported, harassment in the workplace and in hiring isn't limited to sexual harassment. Other actions regarding religion, race, age, gender, or skin color, for example, can also be considered harassment if they interfere with an employee's success or conjure a hostile work environment. Managers and supervisors are responsible for discussing this policy with subordinates and ensuring that the workplace is free of sexual & non-sexual harassment. Any employee violating this policy will be appropriately disciplined.

#### **2. Purpose**

The City of Baker (COB) is committed to providing its employees a work environment free from sexual & non-sexual harassment. Towards this end, COB has formulated this policy to define sexual & non-sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting conduct which constitutes sexual or non-sexual harassment.

#### **3. Applicability**

This policy applies to all employees within the City, regardless of status or position.

#### **4. Prohibited Conduct**

Sexual harassment can take many forms, including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment can involve behavior by a person of either gender against a person of the same or opposite gender. Sexual harassment may include conduct of any administrator, manager, or supervisor towards a subordinate employee, or conduct of one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, client or visitor to COB. Finally, an employee may be the victim of sexual harassment because he/she has been affected by inappropriate behavior towards a co-worker.

- A. Unwelcome sexual words or conduct constitute sexual harassment when:
1. Submission to such conduct is explicitly/implicitly a term or condition of employment; or
  2. Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancement, assigned duties, shifts or any other condition of employment or career development); or
  3. 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.
- B. Sexual harassment includes, but is not limited to, the following:
1. Unwelcome sexual flirtations, advances, or propositions;
  2. Unwelcome sexual teasing, jokes, remarks or inquiries;
  3. Unwelcome sexual looks or gestures;
  4. Verbal or written abuse of a sexual nature;
  5. Requests for sexual favors;
  6. Graphic verbal or sexual comments about an individual or to describe an individual's body;
  7. Unwelcome physical contact (i.e. touching, rubbing against, leaning over, brushing, pinching);
  8. Sexually degrading words and demeaning or inappropriate terms (i.e. referring to a person as "Babe", "Honey", etc.);
  9. Sexual or insulting noises;
  10. Using crude and offensive language;
  11. Discussing sexual activities or exploits;
  12. Inappropriate commenting on a person's attributes; and/or
  13. Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.

- C. Non-Sexual harassment may include, but is not limited to, the following:
1. Making negative comments about an employee's personal religious beliefs or trying to convert beliefs, or trying to convert them to a certain religious ideology
  2. Using racist slang, phrases, or nicknames
  3. Making remarks about an individual's skin color or other ethnic traits
  4. Displaying racist drawings, or posters that might be offensive to a particular group
  5. Making offensive gestures
  6. Making offensive reference to an individual's mental or physical disability
  7. Sharing inappropriate images, videos, emails, letters, or notes
  8. Offensively talking about negative racial, ethnic, or religious stereotypes
  9. Making derogatory age-related comments
  10. Wearing clothing that could be offensive to a particular ethnic group

Non-sexual harassment isn't limited to these examples. Non-sexual harassment may include any comment, action, or type of behavior that is threatening, insulting, intimidating, or discriminatory and upsets the workplace environment.

Employees should understand that the verbal and physical behavior proscribed herein is always inappropriate in the workplace and hence, violative of COB policy, although such behavior may not be actionable in a court of law as a civil action. The totality of the circumstances will be considered, including the pervasiveness, offensiveness and unwelcome nature of the conduct. Each situation must be addressed on a case-by-case basis.

## **5. Complaint Procedure**

Any employee experiencing or witnessing sexual or non-sexual harassment by anyone affiliated with COB, including any manager, supervisor, administrator, co-worker, vendor, client or visitor, shall immediately report the inappropriate conduct. Any such complaint MUST be in writing within 10 days of the incident(s). (See attached Sexual & Non-Sexual Harassment Complaint Form) Under most circumstances, complaints should be made to the employee's supervisor. Supervisors are responsible for reporting up the chain of command. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable in reporting to his/her supervisor, he/she may contact any other supervisor or directly contact the Human Resources Division.

**6. Investigation of Complaint**

- A) All reports of sexual & non-sexual harassment will immediately be reported to the Human Resource Director who will generally direct the investigatory process.
- B) COB 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.
- C) Generally, to prevent further occurrences or to preserve the integrity of the investigation, temporary reassignments, transfers or other personnel actions permissible under the Civil Service Rules will be initiated.
- D) The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records and other documentation will be reviewed.
- E) The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
- F) Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
- G) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H) The investigative process will also be conducted in a confidential manner, with only those in a need-to-know position involved.
- I) The complaining employee and accused will be apprised of the outcome of the investigation.

**7. Complaint Resolution**

- A) Any employee found, after appropriate investigation, to have engaged in sexual or non-sexual harassment of another employee will be appropriately disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reassignment or termination.
- B) In addition to disciplinary action, other appropriate measures, including re-training and follow-up inquiries, will be utilized to ensure that the harassment does not recur.
- C) Bad faith/False complaints will be addressed appropriately with consideration of the negative impact to the accused, and the resources used during the investigation.

**8. Non-Retaliation**

- A) Any employee making a good faith complaint of harassment will be protected from retaliation, reprisal, or harassment. Likewise, any employee providing information or otherwise participating in the investigation of a complaint of harassment will be protected from retaliation, reprisal, and harassment.
- B) 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 disciplinary action will be taken

**9. Federal and State Laws:**

This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexual harassment available to employees under state and federal law, including Title VII of the Civil Rights Act of 1964 and La. R.S. 22:301 et seq. Employees should be aware of the time delays and requirements of law which require the filing of a complaint with the Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights. This information is posted throughout the City and is available from the Human Resources Division.

**10. Mandatory Training Requirements:**

Each City of Baker employee and supervisor shall receive a minimum of one (1) hour each full calendar year of education and training on this policy to include the prevention of sexual harassment.

**11. Mandatory Reporting Requirement**

An annual report shall be compiled by the Human Resources Department due February first of each year containing information from the previous calendar year regarding the City of Baker's compliance with the requirements of House Bill 524-Act 270.

**12. Responsibility:**

It is the responsibility of all employees, supervisors, managers, and Directors to assure compliance with this policy.

**13. Exceptions:**

There shall be no exceptions to this policy.

**14. Questions/Comments:**

Questions or comments concerning sexual or non-sexual harassment or the application or enforcement of this policy should be addressed to the Human Resources Division. Except for compelling reasons, any such inquiries will be maintained in strict confidence.

**SEXUAL and NON-SEXUAL HARASSMENT COMPLAINT FORM**

Name (Print): \_\_\_\_\_

Job Title: \_\_\_\_\_ Department \_\_\_\_\_

Contact Ph# (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ Date \_\_\_\_\_

Please complete the form below. Space has been provided to answer the questions. Please attach additional sheets in the case where the space provided is not large enough. After completing the form, submit it to the Human Resources Director and/or the Appointing Authority.

**WRITTEN REQUIREMENT:** This form meets the requirement to report sexual & non-sexual harassment incident(s) in writing.

**CONFIDENTIALITY:** Steps will be taken to ensure the confidentiality to the greatest extent possible of all information provided on this form. Employees complaining of or reporting sexual or non-sexual harassment will not be subjected to retaliation of any kind. The City of Baker prohibits any form of retaliation against any employee for filing a bona fide complaint under the policy or for assisting in a complaint investigation.

**BAD FAITH/FALSE COMPLAINTS:** If after investigating any complaint of harassment, it has been determined that the employee has provided false information regarding the complaint, then disciplinary action will be taken against the individual who filed the false complaint or gave the false information.

Who committed the alleged harassment? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Is the person who allegedly harassed you in a supervisory position over you? \_\_\_\_\_

\_\_\_\_\_

When did the incident occur? Is it ongoing? \_\_\_\_\_

\_\_\_\_\_

How often did/does the incident occur? \_\_\_\_\_

\_\_\_\_\_

**SEXUAL and NON-SEXUAL HARASSMENT COMPLAINT FORM – page 2**

What exactly occurred or was said? \_\_\_\_\_

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How did you react? \_\_\_\_\_

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How did it affect you? Has your job been affected in any way? If so, how? \_\_\_\_\_

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What response did you make when the incident occurred or afterwards? \_\_\_\_\_

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Are there any persons who have information about this matter? Was anyone present when the alleged harassment occurred? Did you tell anyone about it? Did anyone see you immediately after episodes of alleged harassment \_\_\_\_\_

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**SEXUAL and NON-SEXUAL HARASSMENT COMPLAINT FORM – page 3**

Did the person who allegedly harassed you harass anyone else? Do you know whether anyone complained about harassment by that person? \_\_\_\_\_

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Are there any notes, physical evidence, or other documents regarding the incident? \_\_\_\_\_

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How would you like to see the situation resolved? \_\_\_\_\_

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

