

CITY OF SCOTT POLICY ON SEXUAL HARASSMENT

This represents the policy of the City of Scott (the "City") to prevent sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head or the Mayor. This policy shall be applicable to all City employees.

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

Inappropriate conduct of a sexual nature is 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, and impeding egress or passage.

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 permeated with discriminatory intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment. Sexual harassment and discrimination in the workplace will not be tolerated and the City will take appropriate action to end any such sexual 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 wants it stopped.

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 the department head or City Manager. 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.

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the City will conduct such investigations on all complaints in a manner so as not to cause any serious effect to 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 protecting 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 sexual harassment is an express requirement of each employee's employment with the City. The City will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination of employment.

The City 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 City may consult its attorney for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The City may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such sexual harassment has not suffered any retaliation.

No retaliation of any kind will be tolerated because an employee in good faith reports an incident of suspected sexual harassment. The person to whom the complaint was made will work to establish mutually agreed upon safeguards against retaliation while investigating any sexual harassment complaint.

Any employee, manager, or supervisor found by the City 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 City to have intentionally made a false allegation of sexual harassment, that individual will be subject to appropriate discipline, up to and including termination.

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

Every employee must complete the annual sexual harassment training which is required by Louisiana law, specifically La. R.S. 42:343. The training must be completed on or before the 31st day of December of each year. Each employee must notify the City Manager in writing after they have completed the training.

City of Scott Sexual Harassment Complainant Form:

Name of the Complainant:

Department:

Phone Number:

E-mail:

Today's Date:

Name of the Accused:

Department:

Relationship of the Accused to the Complainant (manager, co-worker, client, etc.):

Phone Number:

E-mail:

Date of Incident:

(If more than one event, please report each event on a separate form.)

Where did the specific event occur?

Please explain the events that occurred.

How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

Describe the harm you have suffered as a result of the event.

Were there any witnesses to this specific event? (If yes, please provide their names.)

Is there any physical evidence that supports your complaint? If so, please describe or attach copy of evidence.

What is your desired outcome of the investigation?

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence [Company Name] deems relevant.

Signature

Date:

Please return this form to Human Resources/City Manager, Brenda Dugas.