

LOUISIANA CEMETERY BOARD SEXUAL HARASSMENT POLICY

SECTION 3: PERSONNEL SUBSECTION 2(f)

i. Philosophy

1. Consistent with Title VII of the Civil Rights Act of 1964 and, Louisiana Employment Discrimination Law, La. R.S. 23:301, et seq., it is the philosophy of the BOARD 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 that relate to sexual harassment. All employees must refrain from offensive or inappropriate conduct of a sexual nature within the workplace. Managers and supervisors are responsible for discussing this policy with subordinates and ensuring that the workplace is free of sexual harassment. Any employee violating this policy will be appropriately disciplined.

ii. Purpose

1. The BOARD is committed to providing its employees a work environment free from sexual harassment. Towards this end, the BOARD has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting conduct that constitutes sexual harassment.

iii. Applicability

1. This policy applies to all employees of the BOARD, regardless of status or position.

iv. Prohibited Conduct:

1. Sexual harassment can take many forms, including unwelcome sexual advances, request for sexual favors, and other verbal and 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 the BOARD. Finally, an employee may be the victim of sexual harassment

because he/she has been affected by inappropriate behavior towards a co-worker.

2. Unwelcome sexual words or conduct constitute sexual harassment when:

- a. Submission to such conduct is explicitly/implicitly a term or condition of employment;
- b. 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
- 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.

3. Sexual harassment may include, but is not limited to, the following:

- a. Unwelcome sexual flirtations, advances, or propositions;
- b. Unwelcome sexual teasing, jokes, remarks, or inquiries;
- c. Unwelcome sexual gestures;
- d. Verbal or written abuse of a sexual nature;
- e. Request for sexual favors;
- f. Graphic verbal or sexual comments about an individual or to describe an individual's body;
- g. Unwelcome physical contact (i.e., touching, rubbing against, leaning over, brushing, or pinching);
- h. Sexually degrading words and demeaning or inappropriate terms;
- i. Sexual or insulting noises;
- j. Using crude and offensive language;
- k. Discussing sexual activities or exploits;
- l. Inappropriate comments on a person's attributes; and/or
- m. Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons, or pictures.

Employees should understand that the verbal and physical behavior proscribed herein is always inappropriate in the workplace and hence,

violative of the BOARD's 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.

4. Complaint Procedure:

- a. Any employee experiencing or witnessing sexual harassment by anyone affiliated with the BOARD, including any manager, supervisor, administrator, co-worker, vendor, client, or visitor, shall immediately report the inappropriate conduct. Any such complaint may be made verbally or in writing. 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 supervisor or directly contact any member of the BOARD's Executive Committee.

5. Investigation of Complaint:

- a. All reports of sexual harassment will immediately be reported to the Chair who generally will direct the investigatory process.
- b. All complaints of sexual harassment will be investigated. "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 reassignment, transfer, or other personnel actions permissible under the Civil Service Rules may be initiated.
- d. The investigation will be thorough and may include interviews with the complainant, the accused, witnesses, and other individuals possessing relevant information. Records and other documents may be reviewed.
- e. The investigation process will be memorialized.
- 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 the persons involved.

- h. The investigative process will be conducted in a confidential manner.
- i. The complaining employee and accused will be apprised of the outcome of the investigation.

6. Complaint Resolution:

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

7. Non-Retaliation:

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

8. Federal and State Laws:

- a. 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.

9. Responsibility:

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

10. Questions/Comments:

- a. Questions or comments concerning sexual harassment or the application or enforcement of this policy should be addressed to the Director.