



Sexual Harassment

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Executive Director's Approval:	 <hr/> Kristin Bonner, MHA, BSN, RN, Executive Director		

Policy Statement:

Employees of the State of Louisiana have an expectation and right to be treated with respect and dignity, and to work in a professional environment free of sexual harassment. To accomplish this, South Central Louisiana Human Services Authority (SCLHSA) prohibits, and will not tolerate, sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any SCLHSA employee.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every SCLHSA employee. Through this policy and related training requirements, SCLHSA encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees may be assured that SCLHSA will objectively and thoroughly investigate reports, implement preventative measures to protect against recurrence, impose corrective actions to address substantiated violations, and protect complainants and employees involved in the investigative process from any form of harassment, reprisal, or retaliation.

Rationale:

Through this policy and mandatory training required of all employees, SCLHSA seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the broad scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Establish and effective, uniform investigative process
- Trigger prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and employees involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. It is not, in any way, intended to replace or supersede the statutory or regulatory rights regarding sexual harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. §2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

Notice of Personal Liability:

Louisiana law requires government agencies to develop and implement policies and related training to prevent sexual harassment in the workplace. The prohibitions and requirements within these policies apply to all public servants – employees, appointees and elected officials.

Louisiana’s taxpayers have been financially burdened by judgments and settlements arising from claims of workplace sexual harassment. To reduce this impact, La. R.S. 42:351 et seq., enacted in 2019 Regular Session (Act No. 413), declares that consideration be given to requiring that a public servant, determined to have engaged in sexually inappropriate workplace behavior, personally reimburse all or a portion of any judgment or settlement resulting from such behavior. La. R.S. 42:353 sets forth the process and factors to be considered in making this determination, and authorizes the Attorney General to file suit against a public servant to enforce the state’s right to reimbursement and indemnification.

Notice of this potential personal liability is disseminated by SCLHSA, along with our policy prohibiting sexual harassment, to every newly hired public servant during orientation. This notice also is disseminated, on an annual basis, to every existing SCLHSA employee. Reference to this potential liability also is included in the annual CPTP training on sexual harassment available through LEO.

Procedure:

A. APPLICABILITY:

1. This policy applies to all SCLHSA employees, regardless of position, status, or authority. This includes classified and unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff, contractors, students, and interns/externs.
2. This policy applies not only to the customary workplace and work locations where SCLHSA employees may be assigned, but also prohibits such behavior while traveling to a work location, at conferences, workshops, trainings, business trips, and business-related social events. Additionally, the behavior prohibited by this policy applies to off-duty, off-premises behavior that impacts the work place.
3. Third-party sexual harassment: sexual harassment complaints against non-SCLHSA employees/staff will be referred to the appropriate authorities and/or handled as the SCLHSA Executive Director deems appropriate.

B. POSTING:

This policy is available for review by all employees at all times on SCLHSA’s intranet, under the Policies & Procedures tab Internal Data Management System (IDSM). This policy shall also be posted in conspicuous locations at all SCLHSA sites.

C. EMPLOYEE RELATIONS DESIGNEE:

Sexual harassment complaints will be handled within the Human Resources Office by the Human Resources Director or designee. The Human Resources Director or designee is

available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate the investigative process.

D. TRAINING:

To support this policy, SCLHSA requires all employees to successfully complete training on this policy upon hire and on an annual basis thereafter. At a minimum, SCLHSA mandates the following training for its employees:

1. Upon hire, all new employees/contractors/interns/externs will be provided a copy of this policy through onboarding and instructed to review it carefully in its entirety. In addition, all current staff will be required to review this policy annually.
2. Within 30 days of hire, all new employees are required to complete the Comprehensive Public Training Program's (CPTP) most recent course (s) on sexual harassment. Certification of successful completion must be documented on the employee's training transcript.
3. All employees, on an annual basis thereafter, are required to complete CPTP's most recent course (s) on sexual harassment. Certification of successful completion must be documented on the employee's training transcript.
4. Supervisors, along with any persons designated by the agency to accept or investigate a sexual harassment complaint, are required to complete CPTP's additional course on sexual harassment for supervisors upon hire and on an annual basis thereafter. Certification of successful completion must be documented on the employee's training transcript.

E. PROHIBITED CONDUCT:

1. Unwelcome sexual advances, requests for sexual favors and other verbal, physical, or inappropriate conduct of a sexual nature all constitute sexual harassment when the conduct explicitly or implicitly affects and employee's employment, unreasonably interferes with an employee's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment, in any form, shall not be tolerated.
2. Prohibited conduct relative to sexual harassment includes, but is not limited to, the following:
 - a. Unwelcome physical contact, including touching on any part of the body, kissing, hugging, or standing close enough to make another person uncomfortable
 - b. Requests for sexual favors, either directly or indirectly (i.e. requiring a subordinate employee to go out to lunch or have a drink may be perceived as a request for sexual favors under some circumstances, especially if the conduct has no business purpose)
 - c. Requiring sexual favors as a condition of employment, obtaining a raise, obtaining new duties, obtaining a better office, or any other type of advancement in the workplace
 - d. Threatening disciplinary action or unfairly evaluating performance in retaliation for rejection of sexual advances
 - e. Sexual flirtations, advances, or propositions
 - f. Graphic comments made about an individual's body
 - g. Sexually degrading words used to describe an individual
 - h. The display of sexually suggestive objects, picture or writings in the workplace
 - i. Other harassment that could be construed in any way as sexual harassment

F. REPORTING PROCEDURE:

An employee experiencing unwelcome behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. SCLHSA does not require employees to do this, and certainly does not require this action to take place prior to using the

reporting procedure provided in this policy. However, if this is done, and the behavior continues, the concern should be reported using these procedures promptly.

1. In order that complaints may be investigated timely and effectively, employees are strongly encouraged to report sexual harassment as soon as possible. SCLHSA does not impose a deadline for reporting sexual harassment, but immediate reporting is ideal.
2. The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text). SCLHSA does not require that the employee use a specific form or adhere to a rigid reporting protocol.
3. The report may be made to the employee's direct supervisor. However, regardless of the reason, if an employee prefers not to involve his or her supervisor, the report may be made to any supervisor or manager at SCLHSA, or directly to the Human Resources Director or designee. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Human Resources Director or designee of the information provided. Non-supervisory personnel receiving a report of sexually inappropriate behavior (i.e. from a coworker) are strongly encouraged to report that information to any supervisor or to the Human Resources Director or designee.
4. Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible, including names of the accused and all witnesses to the incident (s), as well as locations, dates, times and a description of all behaviors experienced/witnessed. Any previous reports to management of similar behavior should also be included. Without this level of detail, the ability to conduct a thorough investigation into the allegation will be severely impeded.

G. INVESTIGATION OF COMPLAINTS:

1. Human Resources Director or designee – all reports and complaints of sexually inappropriate behavior shall be directed to the Human Resources Director or designee, who shall assess the information provided. The investigation into the report or complaint will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner. To preserve the integrity of the investigative process, employees involved in the investigation will be instructed that the complaint and all information provided during any interviews are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any employee participating in the investigation.
2. Preliminary Assessment – the Human Resources Director or designee, in consultation with the Executive Director and legal staff, shall conduct a preliminary assessment of the information provided to determine whether immediate action is warranted to prevent any further occurrence of the offensive behavior. For example, it may be appropriate to authorize leave or temporarily reassign personnel. Any action taken will be done so with the utmost confidentiality.
3. Interviews – The investigation may begin with an interview of the complainant, who will be required to provide details to facilitate the investigative process. This may include the behavior included in the complaint, dates, times, locations, identity of witnesses, writing, records, logs, recordings, pictures, and/or other documentation supporting the complaint. Other employees possessing relevant information may also be interviewed.
4. Participant Responsibilities – all employees called upon to participate in the investigation are required to fully cooperate and provide factual responses. Employees do not have the option of invoking their 5th amendment right (to remain silent) or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement. Employees are hereby informed that polygraph examinations may be employed as an investigative tool.

5. Report and Recommendations – upon completion of the investigation, the Human Resources Director or designee, in consultation with legal staff, will report whether the complaint of sexual harassment is substantiated or unsubstantiated to the Executive Director and provide recommendations for resolution.
6. Management Decision – complainants may be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature shall be subject to corrective action. Corrective actions may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. In conjunction with the aforementioned corrective actions, other measures such as additional training, relocation, reassignment, job restructuring, etc. may be utilized to protect against the recurrence of the inappropriate behavior.
7. Unsubstantiated Good Faith Complaints – employees should be aware that, despite the best efforts and thoroughness of the investigative process, not all complaints are able to be substantiated. This does not indicate that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints without regard for the ultimate outcome.

H. COMPLAINT RESOLUTION:

Upon conclusion of the investigation, the complainant and the accused will be apprised of whether the claim was substantiated or unsubstantiated. The Executive Director’s decision is final and will conclude SCLHSA’s internal administrative investigative process. Regardless of the outcome of the internal investigation, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is neither dependent upon the outcome nor completion of SCLHSA’s internal investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission (EEOC) and the Louisiana Commission on Human Rights (LCHR):

EEOC District Office

Hale Boggs Federal Building
 500 Poydras St., Ste. 809
 New Orleans, LA 70130
 800-669-4000 (voice)
 504-589-2958 (TDD)
 504-595-2844 (fax)
<https://www.eeoc.gov/>

LCHR

1001 N. 23rd St. Ste. 268
 P.O. Box 94094
 Baton Rouge, LA 70804
 225-342-6969 (voice)
 888-241-0859 (TDD)
 225-324-2063 (fax)
<http://gov/page/lchr>

I. RETALIATION STRICTLY PROHIBITED:

SCLHSA maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior, as well as those employees providing information or participating in the investigative process. Employees can be assured that, if a complaint is made and an investigation reveals that harassment, retaliation, or reprisal has occurred, disciplinary action up to and including dismissal shall be imposed on the offender.

J. RESPONSIBILITY:

It is the responsibility of all employees to ensure compliance with this policy. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

K. VIOLATIONS:

SCLHSA will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective actions, up to and including dismissal, may be imposed for the following actions, including but limited to:

1. Failure to comply with mandatory training requirements
2. Failure, by a supervisor or manager, to timely transmit a reported complaint of sexually inappropriate behavior to the Human Resources Director
3. Failure to participate in or cooperate with an investigative process; performing any action to impede the investigative process
4. Providing false information, or withholding information during questioning
5. Filing a false, malicious, or frivolous complaint
6. Harassing, repriming, or retaliating against a complainant or anyone involved in the investigative process

L. EXCEPTIONS:

Exceptions to this policy may only be made by the Executive Director of SCLHSA.

Compliance Requirement:

- Title VII of the Civil Rights Act (42 U.S.C. §2000e et seq.)
- Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.)
- Equal Employment Opportunity Commission (EEOC)
- Louisiana Commission on Human Rights (LCHR)

Attachments:

There are no attachments for this policy.

Linkages:

There are no linkages for this policy.