

Human Resources Policies

Section 2 – Employment



Policy: 201	Effective Date:	Revised Date:	Version:
Subject: <i>Sexual Harassment & Inappropriate Sexual Behavior</i>	October 1, 1999	February 1, 2022	5

PURPOSE: To establish clear guidelines and definitions as it relates to Harassment, Discrimination, Sexual Harassment & Retaliation.

I. SCOPE

Employees of the City of Slidell have an expectation to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination, including harassment and discrimination based on race, religious creed, color, national origin, ancestry, disability, genetic information, pregnancy, military status, marital status, gender, age, or sexual orientation. Left unchecked, harassment and discrimination, regardless of nature or degree, undermine the integrity of the employment relationship, debilitate morale, dedication, and loyalty, compromise equal employment opportunities, and significantly interfere with the mission of City government.

This document outlines the specific policy of the City of Slidell to prevent and address sexual harassment and other inappropriate sexual behavior. The City prohibits and will not tolerate sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any employee or other individual in the workplace (sexual harassment and all such other behavior, individually and collectively, "inappropriate sexual behavior").

II. DEFINITIONS

- A. Harassment: for the purposes of this policy, the term "Harassment" is defined as "any unwelcome verbal or physical conduct based on any characteristic protected by law when: (1) the behavior can reasonably be considered to adversely affect the work environment.
- B. Supervisor: for the purposes of this policy, the term "Supervisor" is defined as the individual with the authority to assign, direct and review the work of at least one subordinate.

- C. Employee: for the purposes of this policy, the term “Employee” is defined as any person employed by the city, including elected officials or appointed members of governing bodies.

III. EQUAL OPPORTUNITY

The City of Slidell is an equal opportunity employer. No person is to be discriminated against in employment because of race, religious creed, color, national origin, ancestry, disability, genetic information, or health factors crucial to the job, marital status, gender, age, or sexual orientation. To that end, pursuant to Policy 200: Equal Employment Opportunity, it is The City’s policy to treat everyone fairly and without discrimination regarding employment opportunities such as, but not limited to:

- Interviewing and (Re)Hiring
- Promotions and Transfers
- Performance Evaluations
- Raises and Bonuses
- Disciplinary Actions
- Terminations
- Job Assignments and Project Teams
- Development and Training

IV. ELIGIBILITY

- A. This policy applies to all City 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, and student workers.
- B. In keeping with City's intention and duty to maintain a work environment free of harassment and discrimination, this policy also applies to non-employees, including visitors and individuals who transact business with the City of Slidell, such as vendors, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behavior prohibited by this policy and are protected from experiencing such behavior by City employees.
- C. This policy applies not only to the customary workplace and work locations where City 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 which has an impact upon and relation back to the working relationship.

V. STRUCTURE

- A. The City of Slidell strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. Employees, for their part, are expected to maintain a productive work environment that is free

from harassing or disruptive activity. Prevention and elimination of inappropriate sexual behavior requires the personal involvement and commitment of every City of Slidell employee. Unless and until management is apprised of its occurrence, appropriate corrective action to address such behavior cannot be taken. Through this policy and related training requirements, the City seeks to reinforce its intolerance of inappropriate sexual behavior, and to encourage employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees can be assured that the City will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

- B. Through this policy and the mandatory training required of all employees, the City of Slidell seeks to:
- 1) Unequivocally state its intolerance for inappropriate sexual behavior;
 - 2) Identify the broad scope of such prohibited behavior;
 - 3) Establish an effective, uniform reporting process;
 - 4) Establish an effective, uniform investigative process;
 - 5) Trigger prompt action to protect against recurrence of the prohibited behavior;
 - 6) Ensure resolution that imposes appropriate corrective action;
 - 7) Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation; and
 - 8) Respect confidentiality and the privacy rights of employees to the fullest extent possible.
- C. This policy establishes a procedure to administratively report and address complaints of inappropriate sexual 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).

Training

- A. The City of Slidell recognizes that implementation of a policy prohibiting inappropriate sexual workplace behavior alone may not be sufficient to prevent and address such behavior. To support this policy and create a culture wherein employees willingly report concerns and lodge complaints, the City requires all employees to successfully complete training on this policy

upon hiring and on a continuing basis thereafter. At a minimum, the City of Slidell mandates the following training for its employees:

- a. Upon hiring, all new employees will be provided a copy and instructed to carefully review this policy. Within thirty (30) days of the hiring date, all new employees are required to meet with the Human Resources Director or other individual so designated to discuss any concerns or uncertainties regarding their responsibilities under this policy. The employee and Human Resources Director are required to sign the attached Acknowledgement and Certification to verify that this process has been successfully completed.
- b. Within thirty (30) days of the hiring date, all new employees are required to successfully complete Sexual Harassment Prevention training as assigned by the Human Resources Director.
- c. Annually, all employees are required to complete the assigned training on sexual harassment.
- d. Within thirty (30) days of attaining a supervisory position, all new supervisors are required to complete the designated training on sexual harassment assigned to management personnel. This training, which emphasizes identifying, preventing, and responding to inappropriate sexual behavior, is thereafter to be completed annually.

Prohibited Conduct

- A. Inappropriate sexual behavior takes many forms. It can be explicit and overt, such as a demand for sexual favors, or subtle and implied, such as leering and innuendo. It can be intended or unintended, with the determination of inappropriateness evaluated from the perspective of the complainant and reasonable person and without regard for the purpose or motive of the accused. It can involve behavior by a person of either gender towards a person of the same or opposite gender. It can involve conduct by a supervisor or manager towards a subordinate employee or conduct by one employee towards another employee of equal, lesser, or greater rank, status, or authority. It can involve words or actions by a person external to the City of Slidell such as a visitor, vendor, client, contractor, or consultant. An employee can be affected merely as an observer of inappropriate sexual behavior directed towards another.
- B. Sexual harassment, a form of prohibited discrimination under the law, is further defined by the Equal Employment Opportunity Commission (EEOC), and for the purposes of this policy, as unsolicited and unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature wherein:

- a. Submission to such conduct is explicitly or implicitly a term or condition of employment; or
 - b. Submission to or rejection of such conduct is used as a basis for employment decisions (hiring, firing, advancement, performance evaluations, wages, duty assignments, shifts, training opportunities, or other such conditions of employment or career development); or
 - c. Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, hostile, or offensive work environment.
- C. For illustrative purposes only, inappropriate sexual behavior includes, but is not limited to:
- a. Verbal: Unwelcomed sexual flirtations, advances, propositions, or demands; unwelcomed sexual remarks, teasing, jokes, pranks, innuendo, insults, or inquiries; sexually insensitive or derogatory comments; unwelcomed repeated requests for dates or social engagement; inappropriate comments regarding a person's physical attributes; comments, including the spreading of rumors, regarding sexual activities, exploits, prowess, or accomplishments; use of vulgar, crude or sexually offensive language; sexually insulting noises, catcalls, or whistling; stereotypical comments; repeatedly referring to an individual as "honey", "babe", "sugar", etc.
 - b. Non-Verbal: Gestures of a sexual nature, including lustful looks and leering; displaying sexually revealing or suggestive pictures, cartoons, caricatures, drawings, photographs, magazines, books, graffiti, or objects; transmitting sexually oriented emails, texts, letters, writings, communications, and images.
 - c. Physical: Unwelcomed physical contact including kissing, touching, embracing, hugging, massaging, rubbing, fondling, groping, tickling, pinching, and patting; invading another's space by leaning over, purposefully cornering, or blocking passage; sexual assault, battery, and rape.

Confronting the Accused

- A. An employee experiencing unwelcomed behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, the concern should still be reported promptly.

The City recognizes that confronting an offender can be discomfoting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, the City of Slidell does not require employees to do so, and certainly does not require that this be done before using the reporting procedure provided in this policy.

Reporting Procedure

- A. Early reporting of inappropriate sexual behavior facilitates the investigative process. Prompt initiation of the investigation enhances the ability to identify witnesses and preserve evidence and protects against faltering memories occasioned by the passage of time. For these reasons, employees are encouraged to report inappropriate sexual behavior as soon as possible, and they are discouraged from waiting to cumulate offenses or for the recurrence "one more time" of the offensive behavior.
- B. The City of Slidell does not require a fixed reporting time or deadline, however the sooner, the better is preferred, and immediate reporting is the ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide all details. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text), and need not utilize a specific form. Most importantly, the City does not require a rigid reporting protocol.
- C. The report can be made to the employee's direct supervisor. However, if the complaint involves the supervisor or, regardless of reason, the employee prefers to not involve that supervisor, the report can be made to any supervisor or director at the City of Slidell or directly to the Human Resources Director. Supervisory personnel receiving a report of inappropriate sexual behavior are required to immediately inform the Human Resources Director of the information provided.
- D. Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without this level of detail, the ability to conduct a thorough investigation may be impeded.

Investigation of Complaint

- A. All reports and complaints of sexually inappropriate behavior will be directed to the Human Resources Director who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be

conducted to determine whether action needs to be taken to prevent further occurrence of the offensive behavior.

- B. The investigation will be given priority and begin as soon as practicable. In most instances, it will be conducted by a designated team comprised of the Human Resources Director and others identified by the Human Resources Director. This team approach permits the investigators to evaluate the information gathered during the investigative process from different perspectives, enhances objectivity, and ensures thoroughness.
- C. The investigation generally will begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information has been evaluated, the accused will be interviewed.
- D. All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees, including the accused, do not have the option of remaining silent or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement.
- E. The investigation 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, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.
- F. Upon completion of the investigation, the Human Resources Director will apprise the appropriate supervisor and/or director of the outcome and recommendations for resolution.
- G. Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, 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.

Complaint Resolution

- A. Upon conclusion of the investigation, the complainant and accused will be apprised of the outcome. Unless new, reliable, relevant, and material information is brought forth, management's decision is final and concludes the internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim by the complainant is not dependent upon the outcome nor completion of the City of Slidell's administrative investigation.

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

EEOC District Office	LCHR
Hale Boggs Federal Building	1001 N. 23rd Street, Suite 268
500 Poydras Street, Suite 809	Post Office Box 94094
New Orleans, Louisiana 70130	Baton Rouge, Louisiana 70804
800-669-4000 (Voice)	225-342-6969 (Voice)
504-589-2958 (TDD)	888-241-0859 (TDD)
504-595-2844 (Fax)	225-342-2063 (Fax)
https://www.eeoc.gov/	http://gov.louisiana.gov/page/lchr

- B. Given the wide range of behaviors prohibited by this policy, the resolution decided upon by executive management will be determined by several factors. Most notably, the nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed will heavily influence the action to be taken. Complainants can be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate sexual behavior will be subject to corrective action. This may include counseling, reprimand, suspension, reduction in pay, demotion, or termination. Any complainant determined to have made an intentionally false complaint shall also be subject to such corrective action. Civil Service appeal rights apply to classified employees disciplined under this policy.

Non-retaliation and Follow-up

- A. Resolution of the complaint via imposition of corrective or other action does not conclude the complaint process. The City of Slidell 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 inappropriate sexual behavior, as well as those individuals 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 will be imposed.

- B. To ensure this protection, the Human Resources Director will follow-up with the complainant to determine whether there has been a recurrence of the behavior complained of or whether the complainant has suffered any adverse consequence for having filed a complaint.

Responsibility

- A. It is the responsibility of all employees, regardless of rank, status, or authority, to ensure compliance with this policy. Employees must realize that reporting the behavior prohibited by this policy is mandatory. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

VI. CONSEQUENCES OF NONCOMPLIANCE

Given the impact that sexual harassment and other inappropriate sexual behavior have on working relationships, the City of Slidell will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- 1) Determination that the accused was found to have been in violation of any part of this Sexual Harassment / Inappropriate Sexual Behavior Policy;
- 2) Failure to comply with mandatory training requirements;
- 3) Failure by a supervisor or manager to timely report a complaint of inappropriate sexual behavior;
- 4) Failure to participate or cooperate in the investigative process;
- 5) Providing false reports or information, or withholding relevant information during questioning;
- 6) Filing a false, malicious, or frivolous complaint; or
- 7) Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process.