

PPM #4

Policy Name: *Sexual Harassment*

Effective Date: *September 1, 1995*

Revision Date: *December 1, 2006; August 1, 2008; December 1, 2011*

Authorization:



Charles R. Davis, Deputy Secretary

PURPOSE

The Office of the Lieutenant Governor (OLG) and the Department of Culture, Recreation and Tourism (DCRT) is committed to providing its employees a work environment free from sexual harassment. Towards this end, the OLG and DCRT have 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 which constitutes sexual harassment.

PHILOSOPHY

All OLG and DCRT 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. 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.

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 manager, administrator 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 OLG and DCRT. Finally, an employee may be the victim of sexual harassment because he/she has been affected by inappropriate behavior towards a co-worker.

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.

Sexual harassment includes, 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 looks or gestures;
- d. Verbal or written abuse of a sexual nature;
- e. Requests 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, pinching);
- h. Sexually degrading words and demeaning or inappropriate terms (i.e., referring to a person as "Babe", "Honey", etc.);
- i. Sexual or insulting noises;
- j. Using crude and offensive language;
- k. Discussing sexual activities or exploits;
- l. Inappropriate commenting 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 OLG and DCRT 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.

COMPLAINT PROCEDURE

Any employee experiencing or witnessing sexual harassment by anyone in the OLG and DCRT, 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. 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:

**Human Resources Director
Department of Culture, Recreation and Tourism
Post Office Box 94361
Baton Rouge, LA 70804-9361
Telephone: (225) 342-0880**

INVESTIGATION OF COMPLAINT

1. All reports of sexual harassment will immediately be reported to the Human Resources Director who generally will direct the investigatory process.
2. OLG and DCRT 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.
3. 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.
4. 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.
5. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
6. Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
7. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
8. The investigative process will also be conducted in a confidential manner, with only those in a need-to-know position involved.

9. The complaining employee and accused will be apprised of the outcome of the investigation.

COMPLAINT RESOLUTION

- A. Any employee found, after appropriate investigation, to have engaged in sexual harassment or inappropriate behavior of a sexual nature 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.

NON-RETALIATION

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

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. 23:301 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 OLG and DCRT and is available from the Human Resources Department.

QUESTIONS/COMMENTS

Questions or comments concerning 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.

Summary of Changes: Revised policy number (December 1, 2011).