

ST. TAMMANY PARISH RECREATION DISTRICT 4

SEXUAL HARASSMENT POLICY

St. Tammany Parish Recreation District No. 4 is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination and is against the law, and includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. All public servants are required to work in a manner that prevents sexual harassment in the workplace. All public servants have a legal right to a workplace free from sexual harassment and can enforce that right by filing a complaint internally with **St. Tammany Parish Recreation District No. 4**, or with a government agency or in court under federal, state or local anti-discrimination laws.

POLICY

1. **St. Tammany Parish Recreation District No. 4's** policy against sexual harassment applies to all public servants, employees, applicants for employment, interns, volunteers, contractors and persons conducting business with the District (hereafter collectively referred to as "public servants");
2. Sexual harassment is strictly prohibited and will not be tolerated. Any public servant who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination;
3. Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex and has the purpose or effect of unreasonably interfering with that individual's work performance and/or is made an explicit or implicit term or condition of employment; or submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment. A sexually harassing workplace environment consists of signs, jokes, pranks, intimidation or physical violence which is of a sexual nature or which is directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which is offense or objectionable to the recipient, which causes the recipient discomfort or humiliation and which interferes with the recipient's job performance.
4. **Examples** of such conduct include but are not limited to the following:
 - Physical assaults of a sexual nature such as touching, pinching, patting, grabbing, brushing against another individual's body or poking another person's body; rape, sexual batter, molestation or attempts to commit these assaults;
 - Unwanted sexual advances or propositions such as requires for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments, subtle or obvious pressure for unwelcome sexual activities;
 - Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment;

- Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and/or the status of being transgender, such as: interfering or damaging a person's workstation, tools or equipment or otherwise interfering with the individual's ability to perform the job, sabotaging an individual's work, bullying, yelling or name-calling.
5. Retaliation against an individual reporting incidents of sexual harassment is unlawful under federal and state law. Retaliation is any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation. Protected activity occurs when an individual has filed a complaint of sexual harassment either internally or with any anti-discrimination agency; testified or assisted in a proceeding or investigation involving sexual harassment under the law; opposed sexual harassment by making a verbal or informal complaint to management or by simply informing a supervisor or manager of harassment; complained that another employee has been sexually harassed or encouraged a fellow employee to report harassment.

REPORTING SEXUAL HARASSMENT

St. Tammany Parish Recreation District No. 4 cannot remedy or prevent sexual harassment unless it knows about it. Any public servant who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor or manager, or if they are not available, to the Executive Director. Anyone who witnesses or becomes aware of potential instance of sexual harassment should report such behavior to their supervisor or the Executive Director. (If, in the rare instance, the Executive Director is not available for an extended period of time or the position is vacant, the complaint should be brought to his/her designee.)

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy and all public servants are encouraged to use this complaint form. Public servants who are reporting sexual harassment on behalf of another individual should use the complaint form and note that it is on another's behalf. Supervisors who receive a complaint verbally should fill out the complaint form based on the information provided to them.

Supervisors and managers who receive a complaint of sexual harassment or observe what may be sexually harassing behavior are required to report such suspected sexual harassment to the Executive Director or his/her designee. Supervisors and managers who fail to report instances of suspected sexual harassment or who otherwise engage in retaliation will be subject to discipline.

Complaint and Investigation of Sexual Harassment

All complaints or information about suspected sexual harassment will be investigated whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner. Investigations should be conducted confidentially to the extent possible, and with an eye to maintaining

due process for all involved. All public servants are required to cooperate as needed in an investigation of suspected sexual harassment.

Process for Investigation:

- Upon receipt of a complaint, the supervisor of the person against whom the complaint is lodged, shall document an immediate review of the allegations and taken any interim actions, as appropriate. If the complaint was verbal, the complaint form should be filled out by the supervisor taking the complaint.
- If documents, emails or phone records are relevant, steps should be taken immediately to preserve such records;
- Request and review all relevant documents including electronic communications;
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation;
- Keep all written documentation in the public servant's personnel records;
- Promptly notify the complainant and the alleged perpetrator of any final determination and implement any corrective actions identified in the written document;
- Inform the complainant of their right to file a complaint or charge externally as outlined below:

Legal Protections and External Remedies:

Sexual harassment is not only prohibited by **St. Tammany Parish Recreation District No. 4**, but it is also illegal under state and federal law. A complainant may file a complaint either through the Louisiana Attorney General's Office or the United States Equal Employment Opportunity Commission (EEOC).

State Law Violations: Louisiana prohibits discrimination based on sex pursuant to LSA-R.S. §23:332 et seq. Certain time limitations apply and all questions regarding complaints should be directed to that office.

Federal Law Violations: the EEOC enforces federal anti-discrimination laws including Title VII of the 1964 federal Civil Rights Act (42 U.S.C. §2000e et seq.) Certain time limitations apply and all questions regarding EEOC complaints should be directed to that office.

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime, and complainants should contact the local law enforcement agency with jurisdiction to handle such investigations.

Mandatory Training Requirements:

Each public servant shall receive a minimum of one (1) hour of education and training on preventing sexual harassment during each full calendar year of his/her public employment or term of office. Supervisors and any person designated by **St. Tammany Parish Recreation District No. 4** to accept or investigate a complaint of sexual harassment shall receive additional education and training. All public servants are required to execute a compliance certificate evidencing their record of compliance.

Mandatory Reporting Requirements pursuant to LSA-R.S. 43:344:

The Executive Director or his/her designee shall compile an annual report by February first of each year containing information regarding sexual harassment including the number and percentage of employees who have completed the training required, the number of complaints received by the agency, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints which resulted in discipline or corrective action, the time it took to resolve each complaint.

The first reports pursuant to LSA-R.S. 42:344 are due in February 2020.

