

North Webster Parish Industrial District Sexual Harassment Policies and Procedures

Purpose:

North Webster Parish Industrial District (herein referred to as the “District”) is committed to providing a safe environment for the public and has established this policy to prohibit and define sexual harassment, outline employee and board member expectations and provide procedures for filing complaints. Unlawful harassment of any kind, including sexual harassment, in this organization by any person is strictly prohibited and will not be tolerated. This policy establishes a procedure to report and address complaints of sexually inappropriate behavior.

Sexual harassment and discrimination in the workplace are prohibited by federal law through the Civil Rights Act of 1964 and by state law through La. R.S. 23:301 et seq. These laws prohibit both quid pro quo harassment, which arises when consent to sexual demands is made an express or implied condition of employment, and hostile work environment harassment, which arises when the workplace is permeated with discriminatory intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and created an abusive working environment.

Definition of Sexual Harassment:

Sexually inappropriate behavior proscribed by this policy can take many forms. Such inappropriate behavior may be conducted by a person of either gender towards a person of the same or opposite gender. This behavior may include misconduct of a supervisor or an administrator towards a subordinate employee, or misconduct by one employee towards another employee of equal or greater rank, as well as a vendor, contractor, client, or visitor to NWPID.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Conduct which falls within the definition of unlawful sexual harassment may include, but is not limited to:

- Physical assaults of a sexual nature, sexual battery, molestation or attempts to commit these assaults and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct, intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in the NWPID workplace.
- Retaliation of any nature for sexual harassment complaints.
- An employee may be the victim of inappropriate behavior considered to be sexual harassment even though not the target of such behavior

Complaint Procedure:

a) Any person who believes that he/she has been subjected to any form of unlawful harassment at the North Webster Parish Industrial District work environment is expected, and has a responsibility, to report the matter. Any complaints of unlawful harassment should be made to the District Manager. The individual should not contact anyone that he/she believes to be an involved party. All complaints of unlawful harassment should be made timely of the alleged harassment.

b) If an individual's complaint involves the District Manager, the complaint should be made directly to the District Board Chairman. For such complaints the requirements specified for the District Manager in the remaining paragraphs of this Policy shall mean the District Manager/District Chairman in conjunction.

c) The District Manager shall immediately record any complaint he/she receives on a complaint form regardless of the manner in which the complaint is received, indicating the date, persons involved, and a brief statement of the complaint. The complainant shall sign the complaint form. All complaints shall be kept confidential to the extent possible.

d) The District Manager shall conduct an investigation within 10 working days of receiving the complaint. The investigation shall include an interview with the complainant, the alleged offender, and any other persons who have knowledge of the subject of the complaint. The District Manager shall within a reasonable time make written findings and a written determination.

e) If the District Manager finds that there is a basis for the complaint, the District Manager will discuss the matter with the District Chairman, and appropriate remedial action, including but not limited to formal write up, additional training, suspension or termination, may be taken.

f) The District encourages and expects individuals to immediately report any incidents of perceived unlawful harassment and to cooperate with any investigation of a complaint of unlawful harassment. Individuals who knowingly make false reports or submit false information during the complaint process may be subject to disciplinary action. If after investigation it becomes clear that the person making the Complaint, made false accusation against the Respondent, the so called person making the Complaint would become liable for appropriate disciplinary action to be determined by the Board of Directors.

g) The District strictly prohibits any form of retaliation against any person who in good faith makes a complaint, raises a concern, provides information, or otherwise assists in an investigation or proceeding regarding any conduct that he or she reasonably believes to be in violation of the District's sexual harassment, or any other policy. Such retaliation includes, but is not limited to, discharge, demotion, suspension, threats, harassment, intimidation, or coercion.

Regardless of the outcome of the investigation by the North Webster Parish Industrial District, a complainant may pursue a claim under state and/or federal law.

Training:

Per Louisiana R.S.42:343, the following mandatory training requirements must be met:

- Each employee and Board Members are required to complete online one hour course of approved mandatory training on “Preventing Sexual Harassment” within 60 days of their appointment and by December 31st each year thereafter.
- Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31st. The additional education and training may be received either in person or through an online course.
- The District Manager shall be responsible for maintaining records of the compliance for each employee and Board Members in the District with the mandatory training requirement. Each record of compliance shall be a public record and available to the public in accordance with the Public Records Law.
- Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.

Reporting – R.S. 42:344:

An annual report will be compiled February 1st of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- The number of complaints which resulted in a finding that sexual harassment occurred;
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- The amount of time it took to resolve each complaint.

This reporting will be completed by the District Manager. These reports shall be public record and available to the public in accordance with the Public Records Law.

Federal and State Laws:

This policy establishes a procedure to report and address complaints of sexually inappropriate behavior. This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior.

For more information or to initiate a claim under federal or state law, employees are referred to the EEOC and the LCHR:

- EEOC
800-669-4000 (voice)
504-589-2958 (TDD)
504-595-2844 (fax)
<https://www.eeoc.gov>

- LCHR
225-342-6969 (voice)
888-241-0859 (TDD)
225-342-2063 (fax)
<http://gov/page/lchr>