

WORKPLACE HARASSMENT AND DISCRIMINATION

As an equal opportunity employer, the Town is firmly committed to providing a productive work environment that is free of unlawful *harassment* and *discrimination*. The Town will not tolerate *harassment* or *discrimination* based on an individual's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, genetic information, or any other legally protected characteristic. Furthermore, it is the policy of the Town that all programs and activities shall be accessible to, and usable by, qualified persons with disabilities, in accordance with Section 504 and the Americans with Disabilities Act (ADA).

The Town's commitment applies to all decisions regarding hiring, *dismissal*, compensation, assignment, classification, *transfer*, *promotion*, *reduction in force*, recall, recruitment, testing, use of company facilities, training, *benefits*, and all other terms and conditions of employment opportunities, which shall be made based on job-related qualifications and abilities. This includes a commitment to provide reasonable accommodations that enable qualified disabled individuals to perform the essential functions of their jobs.

- A. All elected officials, town officials, and *employees* are expected to create and maintain a work environment free of *harassment* and *discrimination* where all persons are respected. This includes the duty to:
1. report all instances and complaints of *harassment* and/or *discrimination*, whether experienced personally or witnessed, to the Town Clerk or the Town Attorney;
 2. take the appropriate action to correct and prevent *harassment* or *discrimination*; and
 3. cooperate with any investigation into complaints of *harassment* or *discrimination*.

Employees must recognize that personal behavior, conduct, and language that are acceptable to one person may offend another. This policy is based on the effect of an individual's action rather than the intent. Even if an *employee* intended no harm, if the effect is offense, humiliation, intimidation, insult, or ridicule of an *elected official*, *town official*, or *employee*, the result may create a violation of this policy. This policy is not meant to interfere with or discourage friendships among *employees*. However, *employees* must be sensitive to behavior, conduct, and language that may be considered offensive to other *employees*.

- B. Actions, words, jokes, or comments based on an individual's race, color, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, age (40 or older), disability, genetic information, or any other legally protected characteristic will not be tolerated.
1. *Harassment* on the grounds of a *legally protected class*. Any verbal, physical, or visual conduct toward an individual or a group related to a *legally protected class*, which makes that individual or group feel frightened, offended, humiliated, intimidated,

insulted, ridiculed, undermined, or reinforces stereotypes is considered *harassment*. Examples include:

- a. using derogatory names, insults, jokes, verbal abuse, threats, or comments in discussion or conversations aimed at a *legally protected class*;
 - b. ridiculing an individual or group solely based on their *legally protected class*; and
 - c. refusing to cooperate, work, or associate with an individual or group because of their *legally protected class*.
2. Sexual harassment. Any unwelcomed sexual advance, request for a sexual favor, and any other verbal, physical, or visual conduct of a sexual nature where such actions or allowance of such actions are made a condition of employment, interfere with an individual's work performance, or create an intimidating, hostile, or offensive working environment are considered sexual harassment. Examples include:
- a. requiring a sexual act or favor to keep a job or obtain a *promotion*, additional compensation, or other benefit;
 - b. directing or implying threats that submission to sexual advances will be a condition of employment or continued service with the Town;
 - c. possessing, viewing, or disseminating while on duty material such as pornographic or sexually explicit posters, calendars, graffiti, jokes, cartoons, or objects;
 - d. unwanted, unwelcomed, and unwarranted sexual advances (e.g., sexual requests, comments, or innuendoes; sexual jokes, gestures, or statements; suggestive messages through text, instant message, email, or voicemail; leering; or stalking);
 - e. intentional, malicious, or unwelcomed physical conduct that is sexual in nature (e.g., touching, pinching, patting, brushing against, massaging, pulling at another's body or clothes); and
 - f. physical assaults on other *employees* (e.g., rape, sexual battery, molestation) or any attempt to commit such acts.
- C. All elected officials, town officials, and *employees* have the right to raise concerns and/or file complaints regarding an alleged violation of this policy.
1. If an *employee* thinks they have been *harassed* or *discriminated* against, or if an *employee* thinks they have witnessed *harassment* or *discrimination* of any other *employee*, they shall report the alleged violation as soon as possible to the Town Clerk.

2. If an *employee* thinks they have been *retaliated against* for resisting or complaining about any unlawful *harassment* or *discrimination*, they shall report the alleged *retaliation* as soon as possible to the Town Clerk.
3. If the Town Clerk is unavailable, or if the *employee* does not feel it would be appropriate to report to the Town Clerk, the Mayor or Town Attorney shall be notified.

When reporting an alleged act in violation of this policy, an *employee* must be as specific and detailed as possible. Any *employee* who becomes aware of violations of this policy shall promptly advise the Town Clerk, who shall handle the matter in a reasonable manner promptly in accordance with the steps outlined in Section D below and the policy checklists created by the Town Attorney and maintained by the Town Clerk.

The Town prohibits *retaliation* against any *employee* who lodges a good faith concern or complaint of unlawful *harassment* or *discrimination* or who participates in any related investigation.

The Town recognizes that making false accusations of *harassment* or *discrimination* in bad faith can have serious consequences for those who are wrongly accused. Therefore, the Town prohibits employees from deliberately making false, misleading, and/or malicious allegations of *harassment* or *discrimination*, as well as deliberately providing false or misleading information during an investigation.

- D. The Town will take all allegations of violations of this policy seriously and will investigate any claim to determine whether the policy was violated based on a thorough review of the facts and circumstances of each situation. Any *elected official*, *town official*, or *employee* who believes *harassment* or *discrimination* has occurred shall report the alleged violation to the Town Clerk.

When the Town Clerk receives notice of a complaint, the Town Clerk shall take the following steps:

1. Preliminary investigation. The Town Clerk makes a preliminary investigation to determine the severity of the allegations and determines whether the allegations warrant the intervention of the Town Attorney.
2. Communication of allegations. At the discretion of the Town Clerk, the Town Clerk may communicate with the alleged *harassing* party regarding offensive behavior. "Communication" may be construed as a face-to-face discussion with or without the complainant or witnesses present or a written document delivered to the offender.

The Town Clerk is under no obligation to communicate with the *harassing* party if the Town Clerk deems it inadvisable.

3. *Third-party* investigator. At the discretion of the Mayor and after consultation with the Town Clerk and Town Attorney, the Town reserves the right and hereby provides notice that *third parties* may be used to investigate claims of a violation of this policy. If the allegations involve the Mayor, the decision to employ *third parties* shall be made by the Town Attorney after consultation with the Town Clerk and Mayor Pro Tem concerning budget availability.
4. Results of investigation. The Town will complete its investigation in a timely manner. All *employees* are required to cooperate with such investigations. The Town will promptly notify the complainant and the alleged *harassing* party of the outcome of the investigation and any remedial action to be taken once the investigation is complete. Any *town official* or *employee* who has been found, after appropriate investigation, to have sexually harassed an *elected official, town official* or *employee* will be subject to disciplinary action up to and including termination. Any *elected official* who has been found, after appropriate investigation, to have sexually harassed an *elected official, town official* or *employee* will be subject to public censure and any remedial action authorized by state and federal laws in place at the time.

The Town mandates the investigation of any report of *harassment* or *discrimination*.

Nothing in this Section shall be construed to deprive the alleged *harassing* party of the right to notice of the accusation and an opportunity to rebut the accusation.

The sexual harassment policy above is incorporated into this manual at the behest of the Mayor, Mayor Pro Tem, and Chief of Police. Under LA RS 42:341, et seq., each agency head shall develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency. The sexual harassment policy above is intended to meet that requirement for all agency heads.

The EEOC enforces federal *discrimination* laws. If an *employee* thinks they have been discriminated against, *harassed*, or *retaliated* against for resisting or complaining about any unlawful *harassment* or *discrimination*, the *employee* may file a complaint with the EEOC.

The Louisiana Commission on Human Rights also has enforcement power over claims of *discrimination* prohibited by Louisiana law.

- E. Every *employee* shall be required to undergo at least one (1) hour of *harassment* and *discrimination*/diversity training per calendar year.