Town of Duson Sexual Harassment Policy

This represents the organizational policy of the Town of Duson concerning sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head or the Mayor.

It is the belief of the Town of Duson that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the Town of Duson must understand its position on harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

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.

Sexual harassment may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

a) *Verbal*: Sexual innuendos, suggestive comments, threats, sexual humor;

b) *Non-Verbal*: Leering, whistling, obscene gestures, showing inappropriate images; and

c) *Physical*: Touching, brushing the body, coerced sexual activity, assault, impeding egress or passage.

Sexual harassment and discrimination in the workplace shall not be tolerated and the Town of Duson will take appropriate action to end any such harassment and/or prevent the recurrence of any such misconduct.

If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate, and that the employee would like it stopped.

Any employee of the Town of Duson may file a complaint of sexual harassment. Any employee who believes he or she has been subjected to unlawful sexual harassment, or has been retaliated against for reporting such activities or assisting in a related investigation of such activities, must report the alleged act immediately or as soon as possible to the Town Clerk. It is not necessary for an employee to complain to an offending supervisor in order to report sexual harassment. If, for whatever reason, the employee does not feel that the persons named in this paragraph are suitable persons to whom to report the incident, the employee should contact the mayor at Town Hall.

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the Town of Duson will conduct such investigations on all complaints in a manner so as not to cause any serious effect on innocent employees who either file a complaint and/or may be the subject of a filed complaint. In all instances, a prompt and thorough investigation will take place, giving careful consideration to protect the rights and dignity of all persons involved.

It is mandatory that *all parties* to an allegation of sexual harassment participate in the investigation of the incident, and cooperation in the investigation of claims of harassment is an express element of each employee's employment with the Town of Duson. The Town of Duson will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

The Town of Duson will investigate by gathering information, in as confidential a manner as possible, given the need to investigate the complaint, from all concerned parties, and it will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. The Town of Duson may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The Town of Duson may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such harassment has not suffered any retaliation.

No retaliation of any kind will be tolerated because an employee in good faith reports an incident of suspected harassment. The supervisor, or other person to whom the

complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

Any employee, manager, or supervisor found by the Town of Duson to have unlawfully sexually harassed, or unlawfully retaliated against, another employee will be subject to appropriate discipline, up to and including termination. If any employee, manager, or supervisor is found by the Town of Duson to have intentionally made a false allegation of sexual harassment, that individual will be subject to appropriate discipline, up to and including termination.

Regardless of the outcome of the investigation by the Town of Duson, a complainant may pursue a claim under state and/or federal law.