

# Ordinance 2020-1

## **TOWN OF ST. FRANCISVILLE** **POLICY ON SEXUAL HARASSMENT**

*This following represents the organizational policy of the Town of St. Francisville, Louisiana concerning sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head, the Town's Human Resources manager, or the Mayor.*

It is the belief of the Town that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the Town must understand the Town's position on sexual 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 also 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 or jokes, epithets, slurs, threats, attempts at sexual humor;
- b) *Non-Verbal:* Leering, whistling, obscene gestures, displaying and/or otherwise showing inappropriate and/or offensive images, objects, pictures, cartoons; and/or
- c) *Physical:* Touching, brushing the body, coerced sexual activity, assault, battery, and/or impeding movement, including egress or passage.

The Town prohibits an form of sexual harassment and discrimination, whether in person or via telephonic or electronic media, whether by or against employees of the Town, any persons doing business with the Town or on Town premises, including but not limited to contractors, suppliers, vendors, visitors, and citizens. Sexual harassment and discrimination in the workplace will not be tolerated and the Town shall take appropriate action to end and 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 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 may report the alleged act to their supervisor. The supervisor, and the employee if the employee does not report it to his/her supervisor, must report the alleged act immediately or as soon as possible to Human Resources at (225) 635-3688. It is not necessary, however, 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 person(s) named in this paragraph are suitable persons to whom to report the incident, or otherwise not available to receive such report, the employee should contact the Mayor at (225) 635-3688.

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the Town 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. The Town will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

The Town 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 may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The Town 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 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 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, a complainant may pursue a claim under state and/or federal law.

Passed by a unanimous vote of the Town of St. Francisville Board of Alderman on February 11, 2020.

Roll call vote as follows:

Yea: James R. Leake, Gigi Robertson & Susie Tully

Nay: none

Abstained: none

Absent: Abby T. Cochran & Bryan Kelly

/s/ Shannon Sturgeon

Shannon Sturgeon, Town Clerk

/s/ William D'Aquila

William D'Aquila, Mayor