

# **SEXUAL HARASSMENT POLICY**

**(Revised as of December 18, 2018)**

*It is the policy of the City of New Iberia to provide all employees with a work environment free from any form of sexual harassment, or retaliatory action against an individual reporting such behavior or witness thereof. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as business trips, business meetings and business related social events. Sexual harassment is strictly prohibited and will not be tolerated.*

## **SECTION 1: AUTHORITY**

The Mayor, as chief executive officer of the City, as contained in the City of New Iberia Home Rule Charter, Article I, Sec. 3-07; and any applicable State and Federal Laws;

To initiate a claim under Federal or State Law, employees are referred to the Equal Employment Opportunity Commission on Human Rights:

EEOC District Office  
Hale Boggs Federal Building  
500 Poydras Street., Suite 809  
New Orleans, Louisiana 70130  
800-669-4000 (voice)  
504-589-2958 (TDD)  
504-595-2884 (Fax)  
[www.eeoc.gov](http://www.eeoc.gov)

Louisiana Commission of Human Rights  
1001 N. 23<sup>rd</sup> Street, Suite 268  
Post Office Box 94094  
Baton Rouge, Louisiana 70804  
225-342-6969 (voice)  
888-241-0859 (TDD)  
225-342-2063 (Fax)  
<http://gov.louisiana.gov/page/lchr>

## **SECTION 2: PURPOSE**

This administrative directive establishes the City's policy on the prohibition against sexual harassment; defines sexual harassment; list preventative measures; dictates responsibility of the City Administration, Department Heads, and employees; provides procedures for filing complaints, investigating and resolving these issues; and informs of training requirements and agency head reporting requirements.

## **SECTION 3: APPLICABILITY**

The policy shall apply to all employees of the City of New Iberia, including part-time employees.

## **SECTION 4: DEFINITIONS**

- A. Sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- 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 any employment decision affecting any individual,
  - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, or
  - The behavior persists despite objection by the person to whom the conduct is directed.
- B. Sexual Harassment may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, co-worker, other City employees, or a non-employee who has a business relationship with the City.
- C. Offensive or inappropriate conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, repeated unwelcomed physical contact, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

## **SECTION 5: PREVENTION**

Sexual harassment can be prevented by employees

- Conducting themselves in a professional manner, setting good examples, maintaining a professional attitude and dressing appropriately for the work place;
- Avoiding any type of act or discussion that the harasser knows or should know the other person will regard as sexually offensive;
- Ceasing immediately any behavior or discussion if told that such conduct is offensive or unwelcomed.

## **SECTION 6: RESPONSIBILITIES**

### **A. The City of New Iberia Administration:**

- When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. The City

of New Iberia is committed to take appropriate action, even if the individual does not wish to file a formal complaint.

- Ensures that each employee upon hire will be given a copy of the City's Policy Manual which includes the City's Sexual Harassment Policy and ensures that employees will be notified if changes are made to the policy.
- The Sexual Harassment Policy will be posted on the City of New Iberia's website.

#### **B. Supervisors:**

- Supervisors include department heads, department head's assistants, and highest division foremen/supervisors.
- Supervisors shall ensure that employees are aware that sexual harassment is strictly prohibited and aware of the City's Sexual Harassment Policy.

Supervisors will ensure that a signed statement from each employee is obtained and forwarded to the appropriate keeper of records acknowledging receipt and review of the City's Sexual Harassment Policy.

- Supervisors should actively monitor the work environment. Supervisors who observe incidents of sexual harassment **MUST** take immediate corrective action without waiting for a victim complaint.
- Supervisors who receive a complaint of sexual harassment **MUST** immediately report the complaint to the department head and/or the department head's assistant, or to the assistant to the Mayor and/or the Mayor.
- Failure to report incidents will be considered a violation of this policy and may result in disciplinary action.

#### **C. Employees:**

- Any employee who knows or reasonably believes that sexual harassment is occurring or has occurred whether to the employee directly or to someone else, is obligated to inform his/her highest division foreman/supervisor, department head and/or the department head's assistant, the assistant to the Mayor, or the Mayor immediately.
- Employees are responsible for cooperating fully with any investigation of a complaint of sexual harassment. Information related to complaints and investigations will remain confidential to the fullest extent possible. Employees cooperating in an investigation shall maintain the confidentiality of the

investigation to protect the reputations of all involved. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. This should not deter filing complaints of sexual harassment. Confidentiality violations will be handled on a case-by-case basis.

Charges of sexual harassment are serious charges, and employees should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

## **SECTION 7: PROCEDURES**

- A. If you feel that you have been subjected to sexual harassment or witnessed sexual harassment, you should do the following:
- Inform the person who has offended you, if you feel secure in doing so, that their actions are inappropriate and should be stopped; and that further incidents will be reported to the highest division foreman/supervisor, department head and/or the department head's assistant, the assistant to the Mayor, or the Mayor.
  - Document the occurrence(s) with very specific facts; including names, the time, place, and date the incident occurred, as well as the names of any witnesses present.
- B. If the harasser persists after being told to stop or in the event of a serious incident of sexual harassment, it is imperative that the complainant:
- Continue to report to work;
  - Document the occurrence(s) with very specific facts; including names, the time, place, and date the incident occurred, as well as the names of any witnesses present.
  - Report the action to your highest division foreman/supervisor, department head and/or the department head's assistant, the assistant to the Mayor, or the Mayor **immediately**.
- C. If the harasser is your highest division foreman/supervisor, skip the chain of command and report the incident to the department head and/or the department head's assistant, the assistant to the Mayor and/or the Mayor **immediately**.
- D. If the harasser is the department head and/or the department head's assistant, report the incident directly to the assistant to the Mayor and/or the Mayor **immediately**.

E. If you have had a sexual harassment complaint reported to you, inform the department head and/or the department head's assistant, the assistant to the Mayor and/or the Mayor **immediately**.

**F. Investigation:**

- The date and time the complaint was received should be documented.
- Upon receiving a complaint, the department head and/or the department head's assistant, the assistant to the Mayor and/or the Mayor will determine the appropriate investigative procedures and will notify the employee that the complaint has been received.
- All actions taken in the investigative process shall be documented and kept in the investigative file maintained by the assistant to the Mayor. The length of time from start to finish will be duly noted for the yearly reporting.
- Once the investigation has concluded, the Mayor will decide on a course of action. Discipline will be appropriate to the circumstances.

G. After the complaint has been resolved, the assistant to the Mayor and/or the Mayor, will periodically follow up with the employee(s) who filed the complaint to ensure that there is no continued or new sexual harassment occurring.

H. If the harassment continues after the initial complaint has been resolved, employees shall contact the assistant to the Mayor and/or Mayor immediately.

## **SECTION 8: RETALIATION**

The City of New Iberia requires reporting of all incidents of sexual harassment. No employee who makes a good faith complaint under this policy, or who participates in an investigation of a charge made under this policy or any other proceeding involving a complaint of sexual harassment, shall be adversely affected because of his/her complaint or participation. Acts of retaliation shall be reported immediately and will be promptly investigated and addressed.

## **SECTION 9: TRAINING REQUIREMENTS**

A. The education and training required herein may be received either in person or via the internet through training and educational materials approved by City of New Iberia Administration.

- B. All public servants must receive one hour of education and training on prevention of sexual harassment by December 31<sup>st</sup> each calendar year. Failure to complete the mandatory training requirements may result in disciplinary action up to and including termination.
- C. Supervisors and persons designated by agency to accept or investigate a complaint must receive additional education and training by December 31<sup>st</sup> each calendar year;
- D. The Agency Head, or his designee, shall be responsible for maintaining records of compliance of each public servant in the agency with the mandatory training requirement;

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|---|---|
| Director of Personnel, Municipal Civil Service        | Municipal classified employees, part-time employees in classified positions |
| Fire Department- Records Management System Specialist | All Fire Department Employees   |
| Police Department- Secretary to the Police Chief      | All Police Department Employees   |
| City Clerk  | All Boards and Commission Members   |
| Assistant to the Mayor                                | All unclassified administration   |
| Parks Superintendent                                  | All part-time park employees <u>not</u> in classified positions             |
| City Court-Deputy Clerk                               | All City Court Employees  |

- E. Each public servant’s record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

**SECTION 10: REPORTING REQUIREMENTS**

- A. The City of New Iberia must compile a report by February 1<sup>st</sup> of each calendar year (starting in 2020) and must include:
  - 1) Information regarding agency compliance for previous year, including number and percentage of public servants completing training;
  - 2) The number of sexual harassment complaints received;
  - 3) The number of complaints in which a finding of sexual harassment occurred;
  - 4) The number of complaints that resulted in disciplinary action;
  - 5) The amount of time it took to resolve the complaint;

- B. Therefore, each agency head designate as listed in Section 9D shall submit to the Assistant to the Mayor prior to February 1<sup>st</sup> of each calendar year the data to meet requirement listed under Section 10, A, 1.
- C. All reports are public record and available to the public in accordance with the Public Records Law.

***THIS POLICY DOES NOT PRECLUDE ANY EMPLOYEE FROM FILING A COMPLAINT OR GRIEVANCE WITH AN APPROPRIATE OUTSIDE AGENCY.***

***THIS POLICY PROHIBITS RETALIATION AGAINST EMPLOYEES WHO BRING SEXUAL OR GENDER HARASSMENT CHARGES OR ASSIST/TESTIFY IN THE INVESTIGATION OF SAID CHARGES.***