Governor's Office of Homeland Security
and Emergency Preparedness
State of Louisiana

JOHN BEL EDWARDS
GOVERNOR

JAMES B. WASKOM
DIRECTOR

Prohibiting Sexual Harassment
Policy Number: HR-0008

Issue Date:	**October 8, 2010**
Revised Date:	**11/7/07, 10/08/10, 6/19/2017, 9/19/2018**
Approval:	James B. Waskom, Director

I. POLICY

Employees of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) have an expectation and right to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. Left unchecked, harassment and discrimination, regardless of nature or degree, undermine the integrity of the employment relationship, debilitate morale, dedication and loyalty, compromise equal employment opportunities, and significantly interfere with the mission of state government.

The GOHSEP strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. To accomplish this, GOHSEP prohibits and will not tolerate sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any employee or other individual in the workplace.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every GOHSEP employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy and related training requirements, GOHSEP seeks to reinforce its unyielding intolerance of sexually inappropriate behavior, and encourage employees who experience, observe or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees can be assured that GOHSEP will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

II. PURPOSE

Through this policy and the mandatory training required of all employees, GOHSEP seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the broad scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Establish an effective, uniform investigative process

- Trigger prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. It is not in any way intended to replace or supersede the statutory or regulatory rights regarding sexual harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

III. APPLICABILITY

This policy applies to all GOHSEP employees regardless of position, status, or authority. This includes unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff, students, and interns.

In keeping with GOHSEP's intention and duty to maintain a work environment free of harassment and discrimination, this policy also applies to non-employees, including visitors and individuals who transact business with GOHSEP such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behavior prohibited by this policy, and also are protected from experiencing such behavior by GOHSEP employees.

This policy applies not only to the customary workplace and work locations where GOHSEP employees may be assigned, but also prohibits such behavior while traveling to a work location, at conferences, workshops, trainings, business trips, and business-related social events. Additionally, the behavior prohibited by this policy applies to off-duty, off-premises behavior which has an impact upon and relation back to the working relationship.

IV. POSTINGS

This policy is available for review by all employees at all times on GOHSEP's website at: http://gohsep.la.gov/ABOUT/GOHSEP-POLICIES and GOHSEP's sharepoint site at Policy and Forms Center under Policies: Policy on Prohibiting Sexual Harassment. Notices related to workplace harassment and discrimination are conspicuously posted at GOHSEP work locations throughout the state.

V. EMPLOYEE RELATIONS DESIGNEE

GOHSEP recognizes that an employee experiencing sexually inappropriate behavior may be reluctant to file a complaint. GOHSEP has appointed an Employee Relations Designee within the Grants and Administration Division to serve as a central point of contact. This individual has specialized training and expertise in handling employment concerns. GOHSEP's Equal Employment Opportunity Officer / Employee Relations Designee is:

Beverly James
Employee Relations Administrator
7667 Independence Blvd.
Baton Rouge, LA 70806
(225) 358-5288 (voice)
Beverly.James@la.gov (email)

This individual is available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate and conduct the investigative process. Generalized inquiries and questions regarding this policy will be maintained in strict confidence. In some instances, follow-up inquiries or initiation of the investigative process by the Employee Relations Designee may be required. Investigation may be necessary even when the employee desires to maintain anonymity, requests that no action be taken, or insists that a formal complaint not be lodged. In general, informal complaints or requests to delay investigation unless or until a future occurrence cannot be honored and will be treated the same as a formal complaint, thus triggering the investigative process.

In the event of the unavailability of the Employee Relations Designee, an employee needing immediate assistance should contact GOHSEP's Assistant Deputy Director, of Grants and Administration at (225) 358-5599.

VI. TRAINING

GOHSEP recognizes that implementation of a policy prohibiting sexually inappropriate workplace behavior standing alone is insufficient to prevent and address such behavior. To support this policy and create a culture wherein employees willingly report concerns and lodge complaints, GOHSEP requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, GOHSEP mandates the following training for its employees:

- Upon hiring, all new employees will be provided a copy and instructed to carefully review this policy. Within thirty (30) days of the hiring date, all new employees are required to meet with their hiring manager or other individual so designated to discuss any concerns or uncertainties regarding their responsibilities under this policy. The employee and hiring manager are required to sign the attached Acknowledgement and Certification to verify that this process has been successfully completed.
- Within thirty (30) days of the hiring date, all new employees are required to complete the Comprehensive Public Training Program's (CPTP) most recent training on sexual harassment. Certification of successful completion will be documented through CPTP.
- All employees, on an annual basis thereafter, are required to complete the CPTP's most recent training on sexual harassment. Certification of successful completion will be documented through CPTP.
- Within thirty (30) days of attaining a supervisory position, all new supervisors are required to complete the CPTP's most recent training on sexual harassment designated for management personnel. This training, which emphasizes identifying, preventing, and responding to sexually inappropriate behavior, is thereafter to be completed every two years. Certification of successful completion will be documented through CPTP.

VII. PROHIBITED CONDUCT

Sexually inappropriate behavior takes many forms. It can be explicit and overt, such as a demand for sexual favors, or subtle and implied, such as leering and innuendo. It can be intended or unintended, with the determination of inappropriateness evaluated from the perspective of a reasonable person and without regard for the purpose or motive of the accused. It can involve behavior by a person of either gender towards a person of the same or opposite gender. It can involve conduct by a supervisor or manager towards a subordinate employee, or conduct by one employee towards another employee of equal, lesser, or greater rank, status or authority. It can involve words or actions by a person external to GOHSEP such as a visitor, vendor, maintenance personnel, client, contractor, or consultant. An employee can be affected merely as an observer of sexually inappropriate behavior directed towards another.

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature wherein:

1) Submission to such conduct is explicitly or implicitly a term or condition of employment; or

2) Submission to or rejection of such conduct is used as a basis for employment decisions (hiring, firing, advancement, performance evaluations, wages, duty assignments, shifts, training opportunities, or other such conditions of employment or career development); or

3) Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

However, GOHSEP's focus is upon a broader and more general prohibition against sexually inappropriate behavior. GOHSEP rightfully recognizes the inappropriateness of even occasional and non-sensational words or actions of a sexual nature. While not satisfying the legal standard to constitute sexual harassment, such behavior can be offensive and negatively impact the work environment. For this reason, GOHSEP prohibits all sexually inappropriate behavior, regardless of severity, pervasiveness, or identifiable impact.

For illustrative purposes only, sexually inappropriate behavior, even on an occasional basis, includes, but is not limited to:

- **Verbal:** Unwelcomed sexual flirtations, advances, propositions, or demands; unwelcomed sexual remarks, teasing, jokes, pranks, innuendo, insults, or inquiries; sexually insensitive or derogatory comments; unwelcomed repeated requests for dates or social engagement; inappropriate comments regarding a person's physical attributes; comments regarding sexual activities, exploits, prowess, or accomplishments; use of vulgar, crude or sexually offensive language; sexually insulting noises, catcalls, or whistling; stereotypical comments; repeatedly referring to an individual as "honey", "babe", "sugar", etc.

- **Non-Verbal:** Gestures of a sexual nature; lustful looks, staring and leering; displaying sexually revealing or suggestive pictures, cartoons, caricatures, drawings, photographs, magazines, books, graffiti, or objects; transmitting sexually oriented emails, texts, letters, writings, communications, and images.

- **Physical:** Unwelcomed physical contact including kissing, touching, embracing, hugging, massaging, rubbing, fondling, groping, tickling, pinching, and patting; invading another's space by leaning over, purposefully cornering, or blocking passage; sexual assault, battery, and rape.

VIII. CONFRONTING THE ACCUSED

An employee experiencing unwelcomed behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, if the behavior continues, the concern should be reported promptly.

GOHSEP recognizes that confronting an offender in this fashion can be discomforting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, GOHSEP does not require employees to do so, and certainly does not require that this be done before using the reporting procedure provided in this policy.

IX. REPORTING PROCEDURE

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. Prompt initiation of the investigation enhances the ability to identify witnesses and preserve evidence, and protects against faltering memories occasioned by the passage of time. For these reasons, employees are encouraged to report such behavior as soon as possible, and discouraged from waiting to cumulate offenses or the recurrence "one more time" of the offensive behavior.

GOHSEP does not require a fixed reporting time or deadline – the sooner, the better is preferred, and immediate reporting is the ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text), and need not utilize a specific form. Most importantly, GOHSEP does not require a rigid reporting protocol.

The report can be made to the employee's direct supervisor. However, if the complaint involves the supervisor or, regardless of reason, the employee prefers to not involve that supervisor, the report can be made to any supervisor or manager in GOHSEP, or directly to the Employee Relations Designee. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Employee Relations Designee of the information provided.

Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without this level of detail, the ability to conduct a thorough investigation may be impeded.

X. INVESTIGATION OF COMPLAINTS

All reports and complaints of sexually inappropriate behavior will be directed to the Employee Relations Designee who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be done to determine whether action should be taken to prevent further

occurrence of the offensive behavior. For example, it may be appropriate to authorize leave or temporarily reassign personnel.

In accordance with GOHSEP Policy, *HR-0025 Discrimination and Harassment Complaints*, the investigation will be given priority and begin as soon as practicable. In most instances, it will be conducted by a designated team comprised of at least one representative of Employee Relations and others identified by management. This team approach permits the investigators to evaluate the information gathered during the investigative process from different perspectives, enhances objectivity, and ensures thoroughness.

The investigation generally will begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information has been evaluated, the accused will be interviewed.

All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees, including the accused, do not have the option of remaining silent or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement. Employees are hereby informed that polygraph examinations may be employed as an investigative tool.

The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.

Upon completion of the investigation, the Employee Relations Designee will apprise management of the outcome and recommendations for resolution. Until a final decision is made, the investigative team will remain available to receive new information.

Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints without regard for the ultimate outcome.

XI. COMPLAINT RESOLUTION

Upon conclusion of the investigation, the complainant and accused will be apprised of the outcome. Management's decision is final and concludes GOHSEP's internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome nor completion of GOHSEP's administrative investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office	LCHR
Hale Boggs Federal Building	1001 N. 23rd Street, Suite. 268
500 Poydras Street, Suite 809	Post Office Box 94094
New Orleans, Louisiana 70130	Baton Rouge, Louisiana 70804
800-669-4000 (Voice)	225-342-6969 (Voice)
504-589-2958 (TDD)	888-241-0859 (TDD)
504-595-2844 (Fax)	225-342-2063 (Fax)
https://www.eeoc.gov/	http://gov/page/lchr

Given the wide range of behaviors prohibited by this policy, the resolution decided upon by executive management will be determined by a number of factors. Most notably, the nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed will heavily influence the action to be taken. Complainants can be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to corrective action. This may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may be utilized to protect against the recurrence of the inappropriate behavior.

XII. NON-RETALIATION AND FOLLOW-UP

Resolution of the complaint via imposition of corrective or other action does not conclude the complaint process. GOHSEP maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior, as well as those individuals providing information or participating in the investigative process. Employees can be assured that if a complaint is made and an investigation reveals that harassment, retaliation or reprisal has occurred, severe disciplinary action will be imposed.

To ensure this protection, the Employee Relations Designee will follow-up with the complainant to determine whether there has been a recurrence of the behavior complained of or whether the complainant has suffered any adverse consequence for having filed a complaint. Such follow-up will occur at periodic intervals. The follow-up inquiries will seek to identify readily identifiable repercussions such as a disciplinary action, poor performance evaluation, etc., as well as subtler forms of reprisal such as ostracism, avoidance, non-inclusion, etc.

XIII. RESPONSIBILITY

It is the responsibility of all employees, regardless of rank, status or authority, to ensure compliance with this policy. Employees must realize that reporting the behavior prohibited by this policy is mandatory. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

XIV. VIOLATIONS

Given the devastating impact that sexual harassment and sexually inappropriate workplace behavior have on working relationships, GOHSEP will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective action, up to and including termination, may be imposed for the following:

- Failure to comply with mandatory training requirements
- Failure by a supervisor or manager to timely report a complaint of sexually inappropriate behavior
- Failure to participate or cooperate in the investigative process
- Providing false or withholding information during questioning
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

XV. EXCEPTIONS

Exceptions or deviations from the provisions of this policy require the express approval of the Director.

XVI. QUESTIONS

Questions, comments, or concerns regarding this policy should be addressed to GOHSEP's Employee Relations Designee.

ATTACHMENT 1

Governor's Office of Homeland Security and Emergency Preparedness

GOHSEP Policy HR-0008, Prohibiting Sexual Harassment

ACKNOWLEDGEMENT AND CERTIFICATION

My signature hereon acknowledges that:

1) I received a copy of GOHSEP's Policy HR-0008, Prohibiting Sexual Harassment;

2) I read this Policy;

3) I understand the content of this Policy;

4) I agree to abide by the terms and provisions of this Policy;

5) I understand that compliance with this Policy is a condition of employment; and

6) I understand that disciplinary action, including the possibility of dismissal, will be imposed on those who violate the terms and provisions of this Policy.

_____ _____

EMPLOYEE SIGNATURE **DATE**

_____

EMPLOYEE NAME (PRINT)

MANAGEMENT CERTIFICATION

My signature hereon acknowledges that:

1) I personally discussed in detail GOHSEP's Policy HR-0008, Prohibiting Sexual Harassment with the employee identified above;

2) I answered this employee's questions regarding this Policy;

3) I confirmed this employee's completion of the online training on sexual harassment provided through CPTP; and

4) I informed the employee of the consequences of violating this Policy.

_____ _____

MANAGER SIGNATURE **DATE**

_____

MANAGER NAME (PRINT)