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GOVERNOR

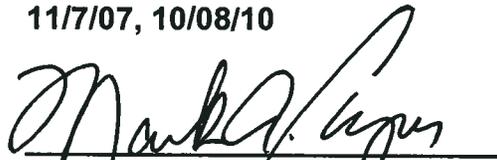
State of Louisiana
Governor's Office of Homeland Security
and
Emergency Preparedness

MARK A. COOPER
DIRECTOR

Sexual Harassment Policy
Policy Number: HR-0008

Issue Date: October 8, 2010
Revised Date: 11/7/07, 10/08/10

Approval:


Mark A. Cooper, Director

I. POLICY:

The policy of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is committed to maintaining a work environment that is free of discrimination including sexual harassment. Sexual harassment is against federal and state law.

Sexual harassment is detrimental to a productive work environment and it is a form of discrimination. The GOHSEP will have a **zero tolerance policy** for sexually harassing behavior either directed toward the GOHSEP employees or directed by the GOHSEP employees to those with whom we conduct business.

All GOHSEP employees are responsible for helping to assure the absence of sexual harassment in any location where our employees are conducting business. An employee who feels that he/she has experienced or witnessed sexual harassment should report this harassment in accordance with the procedure outline in the GOHSEP Policy: *Discrimination and Harassment Complaints, HR-0025*.

GOHSEP will investigate all such complaints in accordance with the procedure outlined in the GOHSEP Policy: *Discrimination and Harassment Complaints, HR-0025*. Confidentiality will be maintained throughout the investigation process to the extent possible and to the extent consistent with the Agency's duty to prevent and correct harassment, discrimination and retaliation.

II. PURPOSE:

To establish the GOHSEP's position on the subject of sexual harassment, to educate and inform employees regarding this important issue, to provide the options for making a complaint and to set forth guidelines for handling violations of the policy.

III. APPLICABILITY:

This policy applies to all employees of the GOHSEP. The intent of this policy extends to anyone with whom our employees do business to include vendors, contractors, visitors, etc.

IV. DEFINITIONS:

A. **Sexual harassment** is a form of illegal sex discrimination where an employee is the subject of unwelcome sexual advances, requests for sexual favors and/or other verbal/physical conduct of a sexual nature. The two types of sexual harassment actionable under Title VII are:

1. **Quid Pro Quo** (Latin for "This for That") - occurs when the employee suffers a tangible job detriment in retaliation for refusing to submit to sexual demands. Quid Pro Quo harassment can be committed only by a supervisor or some other member in the department hierarchy who has the power to confer or withhold a tangible employment benefit.
2. **Hostile Environment** - occurs when the employee suffers no tangible job benefit or detriment but where the unwelcome conduct is sufficiently pervasive or severe to unreasonably interfere with the employee's work performance or creates a work environment that is intimidating, hostile, or offensive. A **supervisor, co-worker, or a non-employee**, such as a vendor or customer, can create a hostile work environment.

The two types of harassment can overlap and occur together.

B. **Sexual harassment** includes conduct of a sexual nature which may be overt or subtle. Sexual harassment can be verbal, non-verbal, physical, or visual and may include but is not limited to:

1. **Verbal** - unwelcome sexual flirtations and/or advances, sexual innuendo or sexual comments, insults which are sexual in nature, humor and jokes about sex or gender-specific traits or of a sexual nature, sexual propositions, threats, suggestive comments, sexually

oriented "kidding" or "teasing", foul or obscene language or gestures, slurs or inappropriate language, improper questions about a worker's private life, etc.

2. **Non-Verbal** - display of foul or obscene printed or visual material, foul or obscene gestures including those which suggest sexual acts, sexually-oriented gestures or noises, leering, sexually-oriented whistling, reading, displaying or publicizing in the work environment pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic, etc.
3. **Picture** - will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully and appropriately clothed and/or who is posed for the obvious purpose of displaying or drawing attention to the private portions of his or her body.
4. **Physical** - physical contact such as patting, pinching, embracing, or brushing against another's body, coerced sexual intercourse, assault, etc.
5. **Other** - Offering employment, promotions, or other benefits in exchange for sexual favors, taking reprisals or threatening reprisals for refusing sexual advances, etc.

C. **Same-Sex Harassment** - Sexual harassment conducted by someone of one sex against someone of the same sex.

D. **Unwelcomeness** - Only unsolicited sexual conduct that the employee regards as undesirable or offensive is unlawful.

E. **Tangible Job Detriment** - A Tangible Job Detriment is defined as discharge, demotion, reduction in pay, denial of promotion or raise, reassignment or transfer to a less desirable position and constructive discharge.

V. RETALIATION IS PROHIBITED

Retaliation is prohibited against any individual who reports discrimination or harassment, participates in an investigation of a complaint under this policy or who otherwise acts to enforce or uphold this policy. Retaliation is a serious violation of this policy and will be subject to appropriate disciplinary action, up to and including termination. If an employee is being retaliated against in violation of this policy, he should follow the complaint procedures outlined below. The Agency cannot take action to stop such behavior if its supervisors are unaware of

problem behavior. In the same manner, false accusations have a damaging effect on the accused and will not be tolerated. Making false accusations may lead to disciplinary action.

VI. REPORTING AN INCIDENT OF DISCRIMINATION, HARASSMENT OR RETALIATION

- A. The Agency requires an employee to report all incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. If an employee feels he has been harassed or discriminated against or if he believes he has witnessed behavior that violates this policy, regardless of whether the behavior was directed at him, he shall immediately report the incident by following the procedure outlined in the GOHSEP Policy: *Discrimination and Harassment Complaints, HR-0025.*
- B. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of discrimination, harassment or retaliation. The Agency cannot remedy a problem unless it is reported. Therefore, while no fixed reporting period has been established, it is strongly urged that all incidents and concerns are reported immediately so that rapid and constructive action can be taken. *An employee who has experienced conduct that he believes is contrary to this policy has an obligation to take advantage of this complaint procedure. Failure to fulfill this obligation could affect his rights in pursuing legal action.*
- C. Supervisors who are made aware of allegations of discrimination, harassment or retaliation must report the allegation to the Equal Employment Opportunity Officer and the Director/Chief of Staff within twenty-four (24) hours.

VII. RESPONSIBILITY:

All employees are responsible for complying with all aspects of this policy.

VIII. QUESTIONS:

Questions regarding this policy should be directed to Equal Employment Opportunity Officer.

IX. VIOLATIONS:

Employees found to have violated this policy may be subject to disciplinary action up to and including termination.