

Agency Name/Head: Ruston Marshal Office/Marshal Curtis Hawkins

Effective Date: June 1, 2021

Revision Date: July 1, 2022

Policy Name: Harassment in the Workplace Policy and Procedure

Philosophy:

Ruston Marshal’s Office supports the philosophy that employees have a right to a workplace free from discrimination of any kind. Ruston Marshal’s Office considers discrimination in the form of harassment contrary to this philosophy. Harassment subverts the mission of this Office in both obvious and subtle ways by destroying an employee’s ability to function at his or her highest level and by eroding employee morale. Harassment creates a hostile, abusive, demeaning, offensive or intimidating environment. The policies herein seek to educate both employees and management of the harm resulting from harassment and behaviors which constitute harassment, as well as to eliminate discrimination in the form of harassment from and within the Ruston Marshal’s Office (RMO).

Policy Statement:

RMO explicitly condemns discrimination and harassment as a violation of an individual’s human rights and dignity and strictly prohibits such conduct by this policy. In addition, workplace harassment is prohibited by Title VII of the Civil Rights Act of 1964. Neither deputies, supervisors, nor elected official of this office shall commit or condone discrimination or harassment in any form, and if one does so, he/she shall be subject to disciplinary action up to and including dismissal. A determination of an occurrence of harassment is based upon the nature and context of the conduct. Neither deputies, supervisors, nor elected official of this office, shall commit or condone sexual harassment, and if one does so, he or she shall be subject to disciplinary action up to and including dismissal. A copy of the EEOC’s informational handout on this topic is attached to this policy.

Definitions and Examples of Harassment:

Harassment generally consists of verbal or physical conduct which denigrates or shows hostility or aversion toward an individual or group of individuals. The RMO takes the broadest possible view consistent with law and reason regarding conduct encompassed by the term “harassment.” However, the office recognizes the rights of supervisors and elected official to appropriately counsel and discipline deputies, and such activities are not included in the definition of “harassment.” The examples and descriptions provided herein, although not an

exhaustive list, should be used as guidelines for determining expected standards of professional and responsible conduct.

Discrimination in the form of harassment includes, but is not limited to, any of the following behaviors or activities which, by their nature, are directed toward any individual or group of individuals because of race, color, religion, sex, national origin, age, or disability:

1. Epithets, slurs, negative stereotyping, or jokes targeted at a particular individual or group;
2. Threats, intimidating remarks, hostile acts, physical gestures, or actions which serve to threaten, intimidate, or denigrate; and/or
3. The circulation of or presence in the work area or on the premises of any written or graphic material which ridicules or denotes hostility or aversion, or which may be offensive based on a “reasonable person” standard.

Sexual Harassment:

“Sexual harassment” receives special attention by the Equal Employment Opportunity Commission (EEOC) and this Office. It is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which:

1. Either explicitly or implicitly makes compliance with the conduct a term or condition of an individual’s employment;
2. Makes submission to or rejection of the conduct a basis for employment decision(s) affecting an individual; and/or
3. Has the purpose or effect of unreasonably interfering with an individual’s work performance;
4. Creates an intimidating, hostile, or offensive working environment.

The following examples of sexual harassment are not an exhaustive list but are provided as guidelines for determining expected standards of professional and responsible conduct:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates), and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually

suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters, notes, emails, photos, text messages, tweets, and internet postings; or other forms of communication that are sexual in nature and offensive.

- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, massaging, cornering, kissing, fondling, and forced sexual intercourse or assault.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

Sexual harassment most often occurs between persons having unequal power, authority, or influence, regardless of the sexual preference of the parties involved. Threats of adverse consequences or promises of reward may be implied solely by circumstances of unequal power. Unequal power, authority, or influence alone may imply a threat of adverse consequence or promise of reward and describes an inherent conflict of interest when an individual exercises supervisory authority over another and engages in verbal or sexual conduct toward the supervised employee. Therefore, any dating or sexual relationship between a supervisor and subordinate, regardless of whether the relationship is consensual, is strongly discouraged by the Office because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. If there is such a relationship, the parties involved need to be aware that one or both may be moved to a different department or other actions may be taken.

Compliant Procedure:

It is the duty of every deputy who experiences or witness behavior which he/she believes may constitute harassment to immediately report such conduct by following the complaint procedures outlined herein. Retaliation against any employee who makes a good faith report of conduct which he/she believes may constitute harassment in violation of this policy, or who provides information during an investigation of a compliant, is strictly forbidden and shall be grounds for disciplinary action up to and including dismissal.

A victim of harassment should immediately inform the offending person, without fear of retaliation or reprisal, that the conduct is unwelcome, offensive and must stop. This is not a requirement, but rather

a suggested course of action to immediately and effectively cease the harassment. Regardless of whether a deputy communicates the problem directly to the offender, he/she must report all incidents of harassment to his/her supervisor (if not the offending party).

Formal complaints should be written and contain the following information:

- 1) Specific description of harassment;
- 2) Where, when, and how often the harassment occurred;
- 3) The name(s) of the harassing person(s); and
- 4) The name of witness(es), if any.

The Marshal shall appoint an investigator to investigate all allegations/complaints of harassment promptly and thoroughly or appoint an independent investigator, as the situation should require. Confidentiality shall be maintained to the extent possible and practicable throughout the process. The investigator shall submit his/her finding to the Marshal (if not the investigator). The investigator shall make recommendations to the Marshal for further investigation, dismissal of the complaint, or disciplinary action up to and including dismissal.

Complaints of False Charges:

Because of the nature of the problem, complaints of harassment cannot always be substantiated. Lack of corroborating evidence should not discourage victims of harassment from seeking relief through a formal complaint. However, charges found to have been intentionally dishonest or made maliciously without regard for the truth will subject the complainant to disciplinary action.

Application and Notification of this Policy:

This policy is applicable to and disseminated to the elected official and all deputies of RMO in the following manner:

- The policy is disseminated to all deputies annually via email.
- The policy is issued to all newly hired deputies during the new hire onboarding process.

In accordance with Louisiana ACT 270, the following is effective January 1, 2019, regarding Sexual Harassment:

- Each public servant, which includes all deputies and elected official shall receive a minimum of one-hour mandatory education and training on preventing sexual harassment during each full calendar year.
- Any person designated by the Marshal to accept or investigate complaints of sexual harassment

must receive additional education and training beyond the one hour per calendar year.

- The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's agency head.
- The Marshal, as the agency designee for RMO shall be responsible for maintaining records of the compliance of each deputy in the RMO with the mandatory training requirement.
- Each record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Mandatory Reporting Requirements in Accordance with ACT 270:

Each agency head shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance with the requirements of this Chapter to include:

- The number and percentage of public servants in his agency who have completed the training requirements
- The number of sexual harassment complaints received by his agency
- The number of complaints which resulted in a finding that sexual harassment occurred
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action
- The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in the manner provided by the Public Records Law.

The Marshal will be the assigned designee to collect and maintain the reports and all related records for compliance with this act for the City of Ruston. A reporting template will be sent to City of Ruston's Human Resources Director by February 1st of each year and is kept on file for auditing purposes.



U.S. Equal Employment Opportunity Commission FACT SHEET

Sexual Harassment

Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Title VII applies to employers with 15 or more employees, including state and local governments. It also applies to employment agencies and to labor organizations, as well as to the federal government.

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

It is helpful for the victim to inform the harasser directly that the conduct is unwelcome and must stop. The victim should use any employer complaint mechanism or grievance system available.

When investigating allegations of sexual harassment, EEOC looks at the whole record: the circumstances, such as the nature of the sexual advances, and the context in which the alleged incidents occurred. A determination on the allegations is made from the facts on a case-by-case basis.

Prevention is the best tool to eliminate sexual harassment in the workplace. Employers are encouraged to take steps necessary to prevent sexual harassment from occurring. They should clearly communicate to employees that sexual harassment will not be tolerated. They can do so by providing sexual harassment training to their employees and by establishing an effective complaint or grievance process and taking immediate and appropriate action when an employee complains.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on sex or for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation under Title VII.

FIND THIS ARTICLE ON THE WEB AT:

Facts About Sexual Harassment FSE/4
<http://www.eeoc.gov/facts/fs-sex.html>

SEE ALSO:

Filing a Charge of Discrimination
<http://www.eeoc.gov/employees/charge.cfm>