

RUSTON CITY MARSHAL'S OFFICE GENERAL ORDERS

Anti-Discrimination & Prevention of Sexual Harassment Policy

Issued & Effective on: June 1, 2018 by Jim Liner

Per LA RS 42:341-345 Prevention of Sexual Harassment signed into LA law in 2018

A) Discrimination, Harassment and Retaliation Policy – Discrimination and/or harassment of employees, applicants, and citizens based on sex, race, color, national origin, ancestry, marital status, religion, age, disability or any other legally protected characteristic is prohibited. Supervisory or managerial personnel are responsible for taking proper action to end such behavior in their workplace. Positive action will be taken to ensure all employees comply with the effort to make our work environment free from harassment. The reporting procedure is the same as listed below for sexual harassment. All reports and investigations will be kept as confidential as possible, and no employee will be penalized or retaliated against for reporting, participating in investigations, or filing any type of legal claim.

1) Examples of Prohibited Conduct

- a. Verbal: Epithets, slurs, jokes, negative stereotyping, and comments which are insulting, degrading, or not flattering regarding a person's sex, nationality, ancestry, race, marital status, color, religion, gender, age, disability, or other protected characteristic.
- b. Non-verbal: Distribution, displays or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of sex, nationality, ancestry, race, marital status, color, religion, gender, age, disability, or other protected characteristic. This includes calendars, clothing, music, cartoons, photographs, magazines, newspapers, drawings, posters, e-mails, and text messages.

B) Sexual Harassment Policy - Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment 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 and shall not be tolerated. *Language for this paragraph and the items #1 through #3 are influenced by the LA Revised Statutes and the EEOC. Further reading on this subject can be found in these locations as well as Title VII of the Civil Rights Act of 1964.*

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- 1) Guidelines on what could be considered sexual harassment include:
 - a. Conduct of the offender must be offensive and unwelcomed by the victim;
 - b. Harassment may still occur when there is no economic injury to or discharge of the victim;
 - c. 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;
 - d. The victim can be either a man or a woman; the victim does not have to be of the opposite sex.

- 2) Types of Harassment
 - a. Quid Pro Quo – when a supervisor or one in an authoritative position requests sex or a sexual relationship, in exchange for not firing or otherwise punishing the employee, or in exchange for favors, such as promotions or raises.
 - b. Hostile Work Environment – the presence of demeaning or sexual photographs, jokes, or threats. The inappropriate behavior or conduct must be so pervasive as to, as the name implies, create an intimidating and offensive work environment.

- 3) Factors courts have considered in hostile work environment cases are (not exhaustive):
 - a. Frequency of the alleged inappropriate behavior;
 - b. Severity of the behavior;
 - c. Conduct of the victim;
 - d. Context of the alleged harassment;
 - e. Size of the employer's business;
 - f. Nature of the employer's business;
 - g. Whether a reasonable person in the position of the plaintiff would have thought the environment to be hostile.

C) Examples of Prohibited Sexual Conduct

1. Verbal: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, or threats. Requests for any type of sexual favor (this includes repeated, unwelcomed requests for dates). Verbal abuse or "kidding," which is oriented towards one's sex or is based on sex.

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2. **Non-verbal**: The use, distribution, display, or discussion of any written or graphic material, including calendars, posters, cartoons, clothing, music, photographs, magazines, newspapers, drawings, e-mails, and text messages that are sexually suggestive, or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling and obscene gestures.
3. **Physical**: Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse, or assault. Normal courteous, mutually respectful, pleasant, non-coercive interactions between employees, including men and women, that are acceptable to and welcomed by both parties are not considered to be harassment.

D) Complaint Procedures

1. Victims are empowered to, in the event he/she feels comfortable doing so, let the offender(s) know that their behavior is offensive to the victim(s). Many behaviors and unwanted advances can be resolved simply with a meaningful, respectful dialog with the offender(s).
2. An employee who feels they have encountered sexual or other prohibited discrimination or harassment, should report the behavior as expeditiously as possible to the Marshal.
3. If the Marshal is the offender, the report, in accordance with the City of Ruston Employee Handbook, should go directly to Personnel or the Mayor.
4. Once a report has been made, the Marshal or his/her designee shall coordinate an investigation into the alleged harassment. Employees are required to cooperate in all investigations.
5. All reports and investigations will be kept as confidential as possible, and no employee will be penalized or retaliated against for reporting, participating in investigations, or filing any type of legal claim.
6. This same complaint procedure should be used to report any retaliatory behavior for reporting, participating in investigations, or filing any type of legal claim.
7. Upon conclusion of the investigation, prompt and appropriate corrective action will be taken for violations of this policy.
8. Depending on the findings of the investigation and all circumstances, violations of this policy may warrant discipline, up to and/or including termination.
9. Every complaint will be taken seriously, and a written record of the complaint and following actions will be made by this agency.

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E) Mandatory Sexual Harassment Education and Training

1. The Marshal and each of his employees shall complete the LA POST online course entitled "Preventing Sexual Harassment" yearly and present a certificate of completion for this course to the Marshal prior to January 25 each year. This is to aid in the reporting required by law, due by February 1 of each year. This course is the minimum requirement for this office, but further training in this subject matter is encouraged.
2. The Marshal and person(s) designated to accept or investigate a complaint of sexual harassment in/for this office will receive additional education and training. This further training may be received in person or online.

F) Annual Reporting

1. The Training Coordinator shall compile the mandated data for reporting purposes each year. The Marshal and each deputy's record of compliance shall be public record, in accordance with law, and available to the public in accordance with the Public Records Law.
2. This policy against sexual harassment will be posted prominently on its website in accordance with LA RS 42:343(D).
3. The report compiled by the Training Coordinator shall be completed by February 1 of each calendar year and will contain at a minimum:
 - a. The number and percentage of this agency's employees who have completed the annual training requirements;
 - b. The number of sexual harassment complaints received by this office;
 - c. The number of complaints which resulted in a finding that sexual harassment resulted in discipline or corrective action;
 - d. The amount of time it took to resolve each complaint.
4. The annual report shall be public record, in accordance with law, and available to the public in a manner provided by the Public Records Law.