

PARISH OF CADDO

CLASSIFIED PERSONNEL POLICIES, RULES, & REGULATIONS

503 HARASSMENT AND DISCRIMINATION

EFFECTIVE: 10/01/2008

REVISION: 10/01/2021

Purpose

The Parish of Caddo is committed to maintaining a work environment that is free from any form of harassment or discrimination. In keeping with this commitment, the Parish of Caddo will not tolerate harassment or discrimination of employees by any supervisor, co-worker, vendor, or citizen.

The objectives of this policy are as follows:

- A. To define harassment and discrimination in clear, understandable terms;
- B. To inform employees of their right to raise the harassment and or discrimination issue and seek appropriate remedies;
- C. To establish office policy prohibiting harassment or discrimination;
- D. To provide information to employees and supervisors on the gravity of such behavior and the proper procedures for reporting instances of harassment and discrimination;
- E. To ensure that retaliation against anyone reporting harassment or discrimination, assisting in making a harassment or discrimination complaint, or cooperating in a harassment or discrimination investigation will not be tolerated;
- F. To ensure that confidentiality will be paramount and consistent with state and federal laws.
- G. To consistently apply disciplinary sanctions against employees who engage in harassing or discriminating conduct; and
- H. To provide training and education in the recognition and reporting of harassment and discrimination for all employees and supervisors.

Responsibility

- A. The Parish Administrator has the overall responsibility for ensuring that these policies and procedures are implemented and followed by the employees of the Parish of Caddo.
- B. The Parish Attorney and the Director of Human Resources are responsible for investigating any complaints and making a determination if any harassment or discrimination has occurred.
- C. The Director of Human Resources is responsible for communicating, monitoring, and ensuring proper records maintenance and details of this policy.
- D. Department Directors are responsible for conducting any warranted disciplinary action and for ensuring administrative compliance of this directive.
- E. Supervisors are responsible for ensuring administrative compliance of this directive.
- F. Employees are responsible for complying with the established procedures outlined in this policy.

General Procedures

- A. Sexual harassment will be said to exist when unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature occurs with any or all of the following conditions:
 - 1. When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
 - 2. When submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
 - 3. When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, demeaning, degrading, or offensive working environment.
- B. Harassment will also be said to exist when:
 - 1. The withholding of employment opportunities and benefits including, but not limited to, job assignments or promotions to uninvolved persons who were qualified for but denied that employment opportunity or benefit because of a romantic relationship within the office that unreasonably favored another co-worker.

2. Racial slurs or other conduct based upon race has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, demeaning, degrading, or offensive working environment.
3. Religious slurs or other conduct based upon religion has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, demeaning, degrading, or offensive working environment.

Definitions

- A. Harassment – Harassment consists of comments, words, or conduct relating to a protected class such as gender, color, race, religion, national origin, age, disability, or veteran status. The EEOC defines harassment as conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating or offensive working environment.
- B. Sexual Harassment – sexual harassment is defined by the EEOC as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- C. Quid Pro Quo – (this for that) When an employee suffers a tangible job detriment in retaliation for refusing to submit to sexual demands.
- D. Hostile Work Environment – When an employee suffers no tangible employment benefit or detriment but where the unwelcome conduct is sufficiently pervasive or severe to unreasonably interfere with work performance or create a work atmosphere that is offensive or abusive.
- E. Prohibited Conduct – Conduct that constitutes harassment or discrimination such as:
 1. Improper questions about an employee's private life, or explicit propositions;
 2. Discriminatory ridicule or insults; or acts of a retaliatory nature because of a person's protected class or because of a person's involvement in any investigation or complaint.
 3. Using demeaning or inappropriate terms such as "babe", "boy", etc.;
 4. Undesired intentional touching such as embracing, patting, pinching, etc.;
 5. Threat of rape, or attempted or actual sexual assault;
 6. Offensive motions or gestures;
 7. Repeated sexually explicit comments or obscene and suggestive remarks;

8. Offers of employment benefits in exchange for sexual favors, threats or reprisals for negative responses to sexual advances;
 9. Displaying crude graffiti, posters, or pictures that are demeaning to a protected class or sexually offensive to either gender;
 10. Vulgar or obscene jokes;
 11. Jokes or comments that belittle a protected class;
 12. Repeatedly asking someone for a date after having been turned down;
 13. Sending crude or sexually explicit e-mails;
 14. Displaying any type of pornography while at work through pictures, videos, or the Internet.
- F. Reasonable Standard – the standard of review used by which a reasonable person in the same situation would have found the conduct sufficiently objectionable to create a hostile or discriminating environment.

Reporting Procedures

A. Reporting Complaints:

1. Any employee desiring to report an incident of harassment or discrimination should report the incident as soon as possible, but not later than thirty (30) calendar days of the occurrence. At the discretion of the Director of Human Resources and or the Parish Administrator, complaints may be accepted after this period. The complaint may be presented in written or verbal form.
2. The Director of Human Resources shall record the complaint in writing. All complaints shall include:
 - a. Complainant's name, position, division, and department.
 - b. The name, position, division, and department of the accused if applicable;
 - c. A description of the incident(s) including dates/times of occurrence and witnesses if applicable.
3. Complaints shall be filed directly with the Director of Human Resources or the designated representative who will in turn immediately notify the Parish Attorney, the appropriate Department Director, and the Parish Administrator.

4. Any employee or supervisor that becomes aware of harassment or discrimination of any other employee shall promptly report the facts to the Director of Human Resources or the designated representative.

B. Administrative Inquiry

1. Upon receipt of a complaint the Director of Human Resources in conjunction with the Parish Attorney shall conduct an administrative inquiry as soon as possible.
2. At the conclusion of the inquiry, the Director of Human Resources shall submit written findings and recommendations to the Parish Administrator or the designated representative for review and approval.
3. Following the Administrator's approval, the Director of Human Resources shall review the results and recommendations with all material parties including the complainant and Department Director.
4. The Director of Human Resources shall maintain all records of the inquiry in a confidential and secure manner separate and apart from the personnel file.
5. Any necessary disciplinary action shall be conducted in accordance with the established Discipline and Termination policy as described in Section 5, Policy # 505.

C. Confidentiality

All information about the incident and the investigation shall be treated as highly confidential and the records shall be maintained in the Department of Human Resources.

D. Retaliation

It is a violation of this policy to retaliate or engage in any form of reprisal because a person has raised a concern, filed a complaint, or been a witness to sexual harassment. Any form of retaliation shall result in disciplinary action up to and including suspension or termination depending on the nature and severity of the retaliatory acts.

E. Training & Education

1. Public servants and elected officials are required to take one hour of training per calendar year pursuant to LA R.S. 42:343. Supervisors are required to take one additional hour of training per calendar year for a total of two hours. The Director of Human Resources and the Parish Attorney who are responsible for investigating

harassment claims are required to take an additional hour of training for a total of three hours.

2. The Department of Human Resources shall train and educate all new employees on recognizing and reporting harassment and discrimination through new employee orientation. Other training and education shall be provided through seminars to current employees on an as needed basis and through memos and promotional materials.