



Sexual Harassment in the Workplace Policy

Updated October 2022

INTRODUCTION

Louisiana law requires government agencies to develop and implement a policy and related training to prevent sexual harassment in the workplace. This manual sets forth the organizational policy of Build Baton Rouge (BBR) concerning sexual harassment (the “Policy”) and further provides guidelines for the reporting and training obligations associated therewith. The prohibitions and requirements within the Policy apply to all public servants – employees, appointees, or elected officials (hereinafter collectively referred to as “BBR employee(s)”).

BBR employees are the primary means by which the goals and objectives of the agency will be met. Employees of the State of Louisiana deserve to be treated with respect and dignity, and to work in a professional environment free of sexual harassment. All BBR employees must understand its position on harassment and are expected abide by the Policy.

PURPOSE

Through the Policy and the mandatory training required of all BBR employees, BBR 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 employees involved in the investigative process from harassment, reprisal, or retaliation
- **Respect confidentiality** and the privacy rights of employees

THE ANTI-HARASSMENT POLICY

It is the intention of BBR that this Policy serve as our commitment to properly address, prevent and correct any sexual harassment or sexually inappropriate behavior in the workplace. To accomplish this, BBR prohibits and will not tolerate sexual harassment or any behavior of a sexual nature that 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.

PROHIBITED CONDUCT

Sexually inappropriate behavior is defined as follows:

Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. By way of illustration only, and not limitation, examples of prohibited sexually inappropriate behavior include following:

- Unwelcome physical contact, including touching on any part of the body, kissing, hugging, pinching or standing close enough to make another person uncomfortable;
- Requests for sexual favors either directly or indirectly;
- Requiring sexual favors as a condition of employment, obtaining a raise, obtaining new duties, a better office or any type of advancement in the workplace;
- Threatening dismissal or unfairly evaluating performance in retaliation for rejection of sexual advances;
- Sexual flirtations, advances or propositions;
- Graphic comments about an individual's body;
- Sexually degrading words to describe an individual;
- The display in the workplace of sexually suggestive objects, pictures, or writings; or,
- Using BBR's computer system for the purpose of viewing, displaying, or disseminating material that is sexual in nature.

If you have any questions about what constitutes unlawful harassing or sexually inappropriate behavior, please contact President/CEO, Vice President/COO, or BBR's Human Resources designee.

REPORTING

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every BBR employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Early

reporting facilitates the investigative process. BBR does not impose a deadline for reporting sexual harassment, but immediate reporting is ideal.

If a BBR employee feels that s/he has been subjected to sexually inappropriate behavior in violation of this Policy or observes conduct towards co-worker that s/he believes could constitute behavior in violation of this Policy, the BBR employee must promptly report to the President/CEO, Vice President/COO, or BBR's Human Resources designee. It is not necessary that an employee follow a chain of command. It is imperative, however, that an individual initiate a complaint in order to trigger the protection afforded by this policy.

This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text). The reporter should provide 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. Any supervisor or manager who becomes aware of possible sexual harassment and/or sexually inappropriate behavior must promptly advise President/CEO, Vice President/COO, or BBR's Human Resources designee.

RETALIATION PROHIBITED

BBR maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. The initiation of a complaint, in good faith, will not under any circumstances be grounds for discipline. It is a violation of the Policy and applicable law for an individual to be disciplined or disadvantaged in any way as a result of the good faith reporting under this Policy. This protection extends those employees providing information or participating in the investigative process. BBR will take appropriate disciplinary action, up to and including termination, against any employee who retaliates against an employee because the employee made a good faith complaint or participated in an investigation under this Policy.

INVESTIGATION

- All reports and complaints of sexually inappropriate behavior will ultimately be directed to the Human Resources Director or designee, HR Solutions, a contractor of BBR, shall direct the investigation. 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. 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 employee participating in the investigation.

- The Human Resources Director or designee, in consultation with the Bureau of Legal Services staff, may take steps to prevent further occurrence of the offensive behavior, such as leaves of absence, transfers, or temporary reassignments. The appropriate appointing authority will be apprised of the general nature of the complaint and any preliminary action to be taken with the utmost confidentiality.
- BBR will interview the complainant, the individual accused of sexually inappropriate behavior, and any witnesses identified by either party to determine details regarding the behavior complained of, the date, time, and location of the occurrence. BBR will request any writings, records, logs, recordings, pictures, or other documentation related to the complaint.
- All employees called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Employees do not have the option of remaining silent or declining to be involved and may be required to prepare written statements or provide verbal statements that will be recorded.
- Upon completion of the investigation, the Human Resources Director or designee, in consultation with Bureau of Legal Services staff, will report the outcome of the investigation to the appropriate appointing authority and provide recommendations for resolution.
- 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.

COMPLAINT RESOLUTION

Upon conclusion of the investigation, the complainant and accused will be apprised of the results of the investigation and any resulting disciplinary measures that BBR has chosen to impose. Management's decision is final and concludes BBR'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 BBR'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.

DISCIPLINARY MEASURES

Any BBR employee, after appropriate investigation, found to have engaged in conduct in violation of this Policy will be subject to corrective and/or disciplinary action up to and including termination.

Corrective/disciplinary actions may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. If dismissal is recommended, the matter must be referred to BBR executive staff before final action is taken. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may also be utilized to protect against the recurrence of inappropriate behavior.

EMPLOYEE RESPONSIBILITY

It is the responsibility of all employees to ensure compliance with this Policy. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

NOTICE OF PERSONAL LIABILITY

Louisiana's taxpayers have been financially burdened by judgments and settlements arising from claims of workplace sexual harassment. To reduce this impact, La. R. S. 42:351 declares that consideration be given to requiring that a public servant, determined to have engaged in sexually inappropriate behavior, personally reimburse all or a portion of any judgment or settlement resulting from such behavior. La. R. S. 42:353 sets forth the process and factors to be considered in making this determination and authorizes the Attorney General to file suit against a public servant to enforce the state's right to reimbursement and indemnification.

APPLICABILITY

- This policy applies to all BBR employees regardless of position, status, or authority. This includes classified and unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to appointing authorities (both statutory and delegated), executive management, administrators, directors, managers, supervisors, staff, students, and interns.
- This Policy applies to behavior by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank.

- This policy applies not only to the customary workplace and work locations where BBR 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 that impacts the workplace.
- It may also include words or conduct by a vendor, contractor, client or visitor to BBR. Such complaints against non-BBR employees will be referred to the appropriate authorities and/or handled as BBR management deems appropriate.

EMPLOYEE RELATIONS DESIGNEE

All complaints and report made pursuant to this Policy will be handled by the President/CEO, Vice President/COO, and BBR's Human Resources designee. Human Resources designees are located at the following office: HR Solutions, 6421 Perkins Rd., Suite 2A, Baton Rouge, LA, 70808, phone: 225-769-0669.

The President/CEO [insert contact info], Vice President/COO [insert contact info], or Human Resources designee are available to discuss the content of this Policy, receive complaints, coordinate the investigative process, and answer questions related to this Policy.

POSTINGS, TRAINING, NOTICE AND REPORTING

ANNUAL REQUIREMENTS

- Postings - The Policy with complaint procedures will be available for review by all BBR employees at all times on BBR's website at: www.buildbatonrouge.org. Notices related to workplace harassment and discrimination shall also be conspicuously posted at the BBR's physical office location.
- Notice - The notice of potential personal liability contained in the Policy is disseminated to every newly hired BBR employee. The notice is also disseminated, on an annual basis, to all current BBR employees through annual review of the Policy. Reference to this potential personal liability is also included in the mandatory annual training noted below.
- Training- To support the Policy, BBR requires all employees to successfully complete training on this policy upon hiring and on an annual basis thereafter. At a minimum, BBR mandates the following training for its employees:
 - Upon hiring, all new employees will be provided a copy of the Policy and instructed to carefully review it.
 - All current employees are required to review the Policy annually.

- Within ninety (90) days of the hiring date, all new employees are required to complete one hour, at minimum, the most recent training on sexual harassment offered through LA State Civil Service. Certification of successful completion will be documented by BBR through the collection and filing of the certificate.
- All employees, on an annual basis thereafter, are required to complete the most recent training on sexual harassment offered through LA State Civil Service. Certification of successful completion will be documented by BBR through the collection and filing of the certificate.
- The President/CEO, Vice President/COO, and any persons designated by the agency to accept or investigate a sexual harassment complaint are required to complete the additional education and training on sexual harassment for supervisors offered through LA State Civil Service on an annual basis. Certification of successful completion will be documented through the collection and filing of the certificate.
- It shall be the responsibility of each BBR employee to provide the requisite certificate of successful completion to the Chief Operating Officer, who shall be responsible for maintaining the records of compliance for all BBR employees.
- Annual Report- Prior to Feb. 1 of each year, the President/CEO, Vice President/COO or authorized designee shall prepare an annual compliance report to include the applicable requirements of R.S. 42:344:
 - Number and percentage of public servants in the agency who have completed the training requirements;
 - Number of sexual harassment complaints received by the agency;
 - Number of complaints which resulted in a finding that sexual harassment occurred;
 - Number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and,
 - Amount of time it took to resolve each complaint.

**ACKNOWLEDGMENT OF RECEIPT OF BUILD BATON ROUGE'S
SEXUAL HARRASSMENT POLICY**

I, _____ have received, read and understand Build Baton Rouge's policy strictly prohibiting sexual harassment in the workplace. I understand that I am required to report any acts of harassment and/or discrimination that I experience or witness during my employment to the President and CEO or a Board Officer. I also understand that I am required to complete sexual harassment training within the first 90 days of my employment and during each year of my public employment thereafter.

I agree to abide by Build Baton Rouge's policy prohibiting sexual harassment and understand that any violations of these policies will result in disciplinary action, up to and including suspension without pay and/or termination of employment.

If I have any questions regarding the content or interpretation of the Sexual Harassment in the Workplace Policy, I will immediately bring them to the attention of the President and CEO.

Employee

Date: _____