

THE HARBOR CENTER

SEXUAL HARASSMENT IN THE WORKPLACE POLICY

I. POLICY

Employees and commissioners of the Harbor Center District (the “District”) deserve to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. The District is committed to providing its employees and commissioners a work environment free from inappropriate and offensive behavior of a sexual nature. To accomplish this, the District has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting such conduct. Employees and commissioners should realize that the behavior prescribed by this policy includes words and conduct that are inappropriate, offensive or create a hostile working environment.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every District employee and commissioner. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy, the District seeks to reinforce its intolerance of sexually inappropriate behavior, and encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees and commissioners can be assured that the District will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

II. PURPOSE

All District employees and commissioners have a right to a work environment free of harassment and discrimination. For this reason, employees and commissioners must refrain from offensive and inappropriate conduct, especially of a sexual nature, within the workplace. Managers and supervisors are responsible for disseminating and discussing this policy with subordinates and ensuring that the workplace is free of such behavior.

Through this policy and the mandatory associated training required for all employees and commissioners, the District seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Require prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees and commissioners

III. REPORTING

Any complaints of harassment must be immediately reported to a Supervisor, the General Manager or Director of Operations. Each employee has not only a right, but a duty, to report conduct which he or she believes may constitute harassment, whether observed or informed, in violation of this policy. The General Manager will thoroughly investigate any allegations of harassment and maintain confidentiality to the extent consistent with a thorough investigation. Any employee at any level found to have engaged in the harassment of another in violation of this policy will be subject to appropriate disciplinary action, up to and including termination of employment.

IV. APPLICABILITY

This policy applies to all District employees and commissioners regardless of rank or status. The tenets of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff members, student workers, and interns.

This policy also applies to non-employees, including visitors and individuals who transact business with the District such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behaviors prohibited in this policy and are also protected from experiencing such behavior by District employees.

This policy applies not only to the customary workplace and work locations where the District employees and commissioners may be assigned, but also prohibits such behavior while travelling for work, while attending conference or off-site meetings, workshops, training, business trips, and business-related social events.

V. PROHIBITED CONDUCT

Sexually inappropriate behavior proscribed by this policy can take many forms, including unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Such inappropriate behavior may be 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. It may also include words or conduct by a vendor, contractor, client or visitor to the District. Finally, an employee may be the victim of inappropriate behavior even though not the target of such behavior.

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature wherein:

- Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts, training opportunities, or any other condition of employment or career development); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
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Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. Examples include, but are not limited to, the following:

- Unwelcomed sexual flirtations, advances or propositions;
- Unwelcomed request for sexual favors;
- Unwelcomed sexual teasing, jokes, remarks, insults, innuendo or inquiries;
- Unwelcomed physical contact (i.e. touching, rubbing, leaning over, pinching, invading another's space by leaning over, purposefully cornering, or blocking passage);
- Unwelcomed sexual looks or gestures;
- Verbal, written or physical abuse of a sexual nature;
- Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
- Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.);
- Sexually insulting noises;
- Using crude and offensive language;
- Discussing sexual activities, or exploits;
- Inappropriate commenting on a person's attributes; and/or
- Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.
- Unwelcomed repeated requests for dates or social engagement

In accordance with Louisiana, ACT 270, the following is effective in regards to Sexual Harassment:

- Each public servant, which includes all District employees and Commissioners shall receive a minimum of one-hour mandatory education and training on preventing sexual harassment annually.
- The General Manager, Director of Operations and the Board Chair must receive additional education and training beyond the one hour annually.
- The education and training required may be received either in person or via the internet through training and education materials approved by the public servant's agency head.
- The General Manager shall be responsible for maintaining records of the compliance of each District employee and commissioner with the mandatory training requirement.
- Each record of compliance shall be a public record and available to the public in accordance with Public Records Law.

VI. REPORTING PROCEDURE

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. The District does not require a fixed reporting time or deadline—the sooner the better is preferred and immediately reporting is ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide detailed information. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text) and need not utilize a specific form.

Any employee or commissioner experiencing, witnessing or having knowledge, directly or indirectly, of sexually inappropriate behavior by anyone or towards anyone associated with the District or on department premises, including any administrator, manager, supervisor, co-worker, vendor, client or visitor, should immediately report the occurrence. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made by the employee to his/her supervisor. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable reporting such behavior to a supervisor, he/she may report the incident to another supervisor, manager, or the Chairman of the Board of Commissioners.

VII. INVESTIGATION OF COMPLAINT

All reports of sexually inappropriate behavior will ultimately be reported to the General Manager who generally will direct the investigative process. Management personnel in a need-to-know capacity will be apprised of the complaint.

The District will investigate **all** complaints. “Informal” complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.

To prevent further occurrences or to preserve the integrity of the investigation, temporary reassignment, transfers, forced leave or other personnel actions permissible under the applicable laws may be utilized.

The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.

The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.

Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees and commissioners do not have the option of remaining silent or declining to be involved.

The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.

To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved. Employees or commissioners who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.

Upon completion of the investigation, the General Manager or the Chairman of Board of Commissioners will apprise the full Board of Commissioners of the outcome and recommendations for resolution. The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

VIII. COMPLAINT RESOLUTION

Any employee or commissioner found, after appropriate investigation, to have engaged in sexually inappropriate behavior will be disciplined in accordance with applicable law. Such action may include counseling, reprimand, suspension, demotion, reduction in pay or termination.

In addition to corrective action, other appropriate measures, including follow-up inquiries and re-training, will be utilized to ensure that the inappropriate behavior does not recur.

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 the District's administrative investigation.

IX. NON-RETALIATION

Any employee or commissioner making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee or commissioner providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.

If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee, commissioner, or anyone participating in the investigative process appropriate, severe disciplinary action will be taken, including the possibility of termination.

X. TRAINING

The District recognizes that implementation of a policy prohibiting sexually inappropriate behavior in the workplace alone is insufficient to prevent and address such behavior. To support this policy and encourage a culture where employees willingly report concerns, the District requires all employees and commissioners to successfully complete training on this topic upon hire or appointment and on a continuing basis thereafter.

At a minimum, the Commission requires the following training for its employees and commissioners:

- Upon hire/appointment, all new employees and commissioners must complete the agency onboarding process which contains a copy of this policy and covers the contents of the policy in detail. Supervisors are required to ensure that the onboarding process is completed within 30 days of hire thereby ensuring that the new employee or commissioner has reviewed the contents of this policy.
- On an annual basis, all employees and commissioners are required to receive a minimum of one hour of education and training on preventing sexual harassment. Documentation of this training must be given to the General Manager.
- The General Manager will also require supervisors and any persons designated to accept or investigate a complaint of sexual harassment to receive additional education and training.

XI. FEDERAL AND STATE LAWS

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment

Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior.

For more information or to initiate a claim under federal or state law, employees are referred to the EEOC and the LCHR:

- EEOC
 - 800-669-4000 (Voice)
 - 504-2589-2958 (TDD)
 - 504-595-2844 (Fax)
 - <https://www.eeoc.gov>
- LCHR
 - 225-348-6969 (Voice)
 - 888-241-0859 (TDD)
 - 225-342-2063 (Fax)
 - <http://gov/page/lchr>

XII. VIOLATIONS

Any employee or commissioner, regardless of rank or status, found to have violated the prohibitions of this policy will be subject to disciplinary action, up to and including termination. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- Failure to comply with mandatory training requirements
- Failure by a supervisor or manager to timely report a complaint of sexually inappropriate behavior
- Failure to participate in or cooperate with the investigative process
- Providing false information or withholding information during questioning
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

Any employee or commissioner, regardless of rank or status, who intentionally fails to properly and timely report sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination.

Any employee or commissioner found to have intentionally or maliciously falsely accused another of sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination. This prohibition is not intended to discourage employees or commissioners from filing good faith complaints of behavior proscribed by this policy.

XIII. QUESTIONS/COMMENTS

This policy shall remain available to employees for review at all times on the District website.

Questions or comments concerning sexual harassment, sexually inappropriate behavior or the interpretation or enforcement of this policy should be addressed to the General Manager or the Chairman of the Board of Commissioners. To the extent possible, such inquiries will be maintained in strict confidence. Employees and commissioners are reminded that complaints will be appropriately investigated notwithstanding the employee or commissioner's request that no action be taken or that the investigative process be delayed.

EMPLOYEE/COMMISSIONER ACKNOWLEDGMENT

My signature hereon acknowledges that:

- 1) I have received a copy of the District’s Sexual Harassment in the Workplace Policy;
- 2) I have read this Policy;
- 3) I understand the content of this Policy;
- 4) I agree to comply with the terms and provisions of this Policy;
- 5) I understand that compliance with this Policy is a condition of employment/continued employment; and
- 6) I understand that disciplinary action, including the possibility of termination, will be imposed for violating the terms and conditions of this policy.

EMPLOYEE/COMMISSIONER (SIGNATURE)

EMPLOYEE/COMMISSIONER NAME
(PRINTED)