

SEXUAL HARASSMENT

WILL NOT BE TOLERATED



SEXUAL HARASSMENT Consistent with Title VII and Title XI of the Civil Rights Act of 1964, the City of Walker reaffirms and emphasizes its commitment to provide a professional working and learning environment that is fair and responsible; that supports, nurtures and rewards educational and employment growth on the basis of relevant factors, such as ability and performance; and that is free of discriminatory, inappropriate, and disrespectful conduct or communication.

Sexual harassment is a form of unlawful sexual discrimination. It is defined as speech and/or conduct of a sexually discriminatory nature, which was neither welcomed nor encouraged, which would be so offensive to a reasonable person as to create an abusive working environment and/or impair his/her performance on the job. Such advancements may be made explicitly or implicitly as a term or condition of an individual's employment and submission to or rejection of such conduct by an individual result in a tangible and adverse employment action, as in the case of a supervisor/subordinate.

The City has a responsibility to protect all of its employees from sexual harassment and to provide the means to remedy such harassment when it occurs. In considering allegations of sexual harassment, the City must be concerned with the rights of both the complainant and the accused.

As a City of Walker employee, if you believe you are being or have been harassed by another employee, you have the right and responsibility to report the behavior. Because sexual harassment may involve a wide range of sexually oriented behaviors and is, in part, a function of the way in which such behaviors are perceived, two options are available to the complainant:

INFORMAL RESOLUTION

The complainant will consult initially with the department supervisor to attempt to resolve the matter with both parties in an informal manner. Failure to accomplish an informal resolution in no way limits the right to utilize fully the grievance procedure if the department supervisor cannot accomplish an informal resolution. Complaints at this point should be made in writing to the supervisor within one year after the occurrence of the alleged prohibited conduct who must initiate a formal investigation.

FORMAL INVESTIGATION

Any supervisor receiving a report of possible harassment is required to, in a timely fashion, conduct an investigation of the complaint, interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate employee.

- If the supervisor deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.
- Both the complainant and the person against whom the complaint is made may have counsel present at any interview or other proceeding.
- Upon conclusion of the investigation, and within 30 days after the complaint was brought, the supervisor shall make a recommendation to the Mayor which shall be one of the following:
 1. A recommendation of a finding that no prohibited conduct has occurred;
 2. A recommendation that material facts in dispute be resolved by conducting a formal hearing;
 3. A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.

A written copy of the supervisor's recommendation will be provided to complainant and party against whom the complaint was made and to the Mayor and Councilmen of the complaint.

The Mayor may, but need not, adopt the supervisor's recommendation. However, upon adoption of the supervisor's recommendation to conduct a formal hearing, or upon written request of either party involved, the Mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide a fair opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between parties, and shall not be bound by statutory provision or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the Mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.

The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, if any; any written statement produced during the investigation; the recommendation of the supervisor; if a formal hearing is conducted, a record thereof in a form determined by the Mayor; the Mayor's statement of findings of fact and conclusion of law; and the Mayor's written determination. Such record shall be available to either party or the designee thereof. Pursuant to Section 2.58 of the Code of Ordinances.

REMEDIES AND RESOLUTION

If the Mayor determines that prohibited conduct has occurred, he shall order one or more of the following:

1. An apology by the offender.
2. Direct the offender to stop the offensive behavior.
3. Require the offender to undergo counseling or training.
4. Oral censure of the offender.
5. Written censure of the offender, to be included in the offender's personnel file.
6. Transfer, suspension, with or without pay, or discharge of the offender, or any other action that may be appropriate under the circumstances.

If any party is not satisfied with the decision of the Mayor, they may request a meeting with the Councilmen. The Councilmen will review the complaint and notify the concerned party(s) of the meeting date, time and location to address the complaint (see Ordinance #09-1998-01) (Appendix XI).

If any party remains unsatisfied with the outcome, a complaint may be filed with the Louisiana Commission on Human Rights and the federal Equal Opportunity Commission. A civil action may be filed in district court.

- Employees, witnesses, and/or participants involved in a sexual harassment complaint or investigation are protected from retaliation of any form. Any employee violating the prohibition of retaliation may be subject to disciplinary action up to and including termination.
- No employee or volunteer shall make an intentional false complaint... penalty is disciplinary action up to and including termination.

The provisions of this section effectively replaces Ordinance #09-1998-01 outlining guide for reporting sexual harassment in the workplace. The Police Department shall follow Ordinance 05-2011 in sexual harassment situations.