

FIREFIGHTERS' PENSION & RELIEF FUND FOR THE CITY OF NEW ORLEANS (NOFFPF) Policy for the Prevention and Elimination of Workplace Sexual Harassment

Statement of Purpose

NOFFPF is committed to providing a working environment that promotes integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex and sexual misconduct which includes sexual assault, sexual harassment, domestic violence, stalking and retaliation.

Prohibited Activities and Action

NOFFPF prohibits sexual misconduct and sexual discrimination and has implemented this policy and procedure to prevent these prohibited practices from occurring. In addition, the purpose of this policy is to ensure prompt and appropriate action to investigate and effectively discipline those found to have engaged in such conduct in a manner consistent with the law and due process. No employee of the NOFFPF should be subjected to nor have to suffer any unwanted advance, gender discrimination, or hostile work environment.

NOFFPF shall provide support and assistance to those who are victims of sexual misconduct and shall report instances of sexual misconduct in accordance with law. This policy applies to all persons without regard to sexual orientation, gender identity and/or gender expression. Sexual misconduct and gender discrimination violate an individual's fundamental rights and personal dignity. NOFFPF considers sexual misconduct in all of its forms to be a serious offense warranting disciplinary sanctions. This policy has been developed to reaffirm these principles and to provide recourse for individuals whose rights have been violated.

Complaint Procedure – Generally

Any employee who believes that he or she has been subjected to sexual misconduct, gender discrimination or any other violation of this policy has a right to report the conduct to the NOFFPF Executive Director and Assistant Director. In addition to alerting the Executive Director and Assistant Director, persons who may have experienced criminal sexual misconduct may report the offense to LSPRF's general counsel. If an individual chooses to report the offense to the general counsel, notice should be given to the Executive Director and Assistant Director.

After becoming aware of a complaint, the Executive Director and Assistant Director will take immediate action to remedy the situation. Remedies may include separating the parties, placing limitations on contact between the parties, or making alternative workplace and dining arrangements. Interim measures may vary depending on the nature of the complaint, status of respondent or other criteria.

All parties, including witnesses, involved in a complaint, any investigation, and/or resolution, including witnesses, are strongly encouraged to keep information concerning the complaint private

until a final decision is rendered in order to protect the complainant, the respondent, and the witnesses.

NOFFPF may be required to divulge information on a need-to-know basis in order to properly address the complaint, when there is a threat to others, pursuant to subpoena, or other court or administrative order, or as may otherwise be required by applicable law. Violations of confidentiality by any other persons involved in the resolution, investigation or administration of the complaint, if identified and confirmed, may result in disciplinary or corrective action.

Preliminary Inquiry Procedure

The Executive Director and Assistant Director shall conduct or supervise the initial review of the complaint. The initial review of the complaint shall be concluded as quickly as possible, within a reasonable amount of time required to complete the review in a manner that is adequate, reliable and impartial and based on the nature and complexity of the complaint. The purpose of the initial inquiry is to determine whether there is a reasonable cause to believe any specific policy/policies may have been violated.

To ensure a prompt and thorough initial inquiry, the complainant should provide as much information as possible. The following may, but is not required to be, provided in writing:

- The name of the employee being accused;
- A description of the incident(s), including the date(s), location(s), and the presence of any witness(es);
- The alleged effect of the incident(s) on the complainant's position, salary, benefits, promotional opportunities, work environment, or other terms or conditions of employment;
- The name(s) of other employee(s) who might have been subject to the same or similar conduct, and any other information the complainant believes to be relevant to the alleged incident or pattern of conduct

Notice of Investigation Following Preliminary Inquiry

If, after the initial inquiry, the Executive Director and Assistant Director find reasonable cause to believe a policy or policies may have been violated, an investigation shall be conducted. Both the respondent and complainant will be provided written notice that an investigation will be undertaken as well as the nature of the complaint. The notice should include the specific section(s) of policy that may have been violated. All parties will have an opportunity to present pertinent evidence to be considered. After a full investigation, a determination into whether a policy has or has not been violated, based upon a preponderance of the evidence standard, shall be made. Both the complainant and the respondent will be given written notice of the results of the investigation.

Resolution Procedures

NOFFPF will take appropriate action against any person found to be in violation of the policy. When an employee is deemed to have violated this policy, appropriate disciplinary action will be taken.

Appeals

Either party may appeal the findings of the formal investigation and resolution process. Appeals must be submitted in writing to the NOFFPF Board of Trustees within ten (10) business days upon receipt, by the appealing complainant or the appealing respondent, of notification of the outcome of the formal investigation and resolution process. During any appeal period, neither the complainant or respondent should contact any Board member directly.

Retaliation Prohibited

Retaliation against a person who has been subjected to prohibited conduct under this policy; who in good faith brings a complaint of violation of this policy; or who, in good faith, participates in the investigation of a complaint alleging violation of this policy, is prohibited. Retaliation shall be a separate violation of this policy and shall constitute misconduct subject to disciplinary or other action.

Record Keeping

Employment actions found to be in violation of this policy will be maintained in the employees' respective personnel file. Investigatory materials shall be maintained separately.

Training

The policy of NOFFPF is that continuing education in proper workplace decorum is essential to maintaining a safe and welcoming work environment. Each employee shall receive a minimum of one hour of education and training on preventing the behaviors prohibited by this policy during each full calendar year of their employment with NOFFPF. The Executive Director and Assistant Director, as the supervisors designated to accept and investigate a complaint of sexual harassment are required to receive additional education and training over and above the one hour required for other staff members. The Executive Director or his designee will be responsible for maintaining records of the compliance of each employee with the mandatory training requirement.