

**ST. CHARLES COUNCIL ON AGING, INC.**  
**SEXUAL HARASSMENT POLICY**

Harassment of employees, applicants, and citizens based on sex, race, color, national origin, ancestry, marital status, religion, age, disability, or any other legally protected characteristic is prohibited. Supervisory or managerial personnel are responsible for taking proper action to end such behavior in their workplace. Positive action will be taken to ensure that all employees comply with the effort to make our work environment free from harassment.

**Prohibited Conduct**

- **Verbal:** Negative comments regarding a person's sex, nationality, ancestry, race, marital status, color, religion, gender, age, disability, or other protected characteristic. Epithets, slurs, negative stereotyping.
- **Non-verbal:** Distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual, or group because of sex, nationality, ancestry, race, marital status, color, religion, gender, age, disability, or other protected characteristic.
- **Sexual Harassment:** Sexual harassment is prohibited under state and federal law, under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; the Louisiana Employment Discrimination Law, La. R.S. 23:302 *et seq.*, and La. R.S. 42:341 *et seq.* Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature that explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Sexual harassment may take different forms.
- Examples of conduct that may constitute sexual harassment are:
  - (1) **Verbal:** Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" which is oriented towards a prohibited form of harassment, including that which is sex-oriented and considered unwelcome.
  - (2) **Non-verbal:** The distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, that is sexual in nature.
  - (3) **Physical:** Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

### **Training Requirements**

1. All employees are required to attend at least one hour of education and training on preventing sexual harassment each calendar year.
2. The Executive Director and all supervisors and Agency board members, in addition to the one hour of education and training required for all employees, must complete additional training each year.

### **Complaint Procedures**

1. Any employees who feel that they have encountered sexual, racial, religious, age, disability, or other prohibited harassment should contact the Executive Director. If the Executive Director is unavailable, the complaint is about him or her, or the employee believes it would be inappropriate to contact that person, the employee should contact the Chair of the Council's Board of Directors.
2. Both the complaining employee and the person about whom the complaint is made shall be required to participate in the investigation.
3. The Executive Director or the Chair will process all complaints of harassment and will be responsible for coordinating investigations.
4. All complaints and investigations will be kept as confidential as possible under the circumstances of each complaint.

### **Enforcement and Discipline**

1. After an investigation, prompt and appropriate corrective action will be taken with respect to any violations of this policy.
2. Depending on all the circumstances, violations of this policy may warrant discipline, up to and including discharge.
3. The Executive Director or the Chairman, as applicable, shall document any action taken based on a complaint.
4. However, an employee who intentionally submits a complaint of sexual harassment that he or she knows is false will be appropriately disciplined, up to and including termination, depending on the severity of the intentional falsehood.

### **Right to Pursue Action**

Employees have a right to pursue legal claims for harassment or other forms of discrimination regardless of the outcome of an investigation under this policy.

### **Retaliation**

1. The Agency will not retaliate against employees for filing a complaint of harassment under this policy or testifying or participating in an investigation or other proceeding involving a complaint of harassment, including sexual harassment.

2. Employees are prohibited from retaliating against other employees for filing a complaint of harassment or participating in an investigation or other proceeding involving a complaint of harassment, including sexual harassment.
3. Any employees who feel they have been retaliated against in violation of this policy should submit a complaint in accordance with the procedure above.

### **Compliance**

1. The Executive Director shall maintain records of employees' attendance at mandatory training, complaints submitted under this policy, and action taken based on complaints submitted under this policy.
2. By February 1 of each year, beginning on February 1, 2020, the Executive Director shall prepare an annual report regarding compliance with La. R.S. 42:341 *et seq.* The report shall include the following information:
  - a. The number and percentage of Agency employees who have completed the training required under this policy and under Louisiana law.
  - b. The number of sexual harassment complaints received by the Agency.
  - c. The number of complaints that resulted in a finding that sexual harassment occurred.
  - d. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action.
  - e. The amount of time it took to resolve each complaint.
3. This policy shall be prominently posted on the Agency's website.