

POLICY NO. 010
SEXUAL HARASSMENT FREE WORK ENVIRONMENT
La. R. S. 42:341 et seq

PURPOSE

TNIBD is committed to providing a work environment in which all employees are treated with dignity and respect and to comply with the requirements of La. R. S. 42:341-344.

POLICY

Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct 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 and shall not be tolerated.

No employee, supervisor, or member (“Commissioner”) of the Board of Commissioners (“Agency”) (collectively or individually, “Public Servant”) of Timberlane Neighborhood Improvement and Beautification District (“TNIBD”) shall commit or condone sexual harassment, and if one does so, he/she shall be subject to appropriate disciplinary action up to and including written warning, suspension, dismissal, or, in the case of a Commissioner, removal from office. A determination of an occurrence of harassment is based upon the nature and context of the conduct.

SEXUAL HARASSMENT; EXAMPLES

“Sexual harassment” is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which:

- (1) Either explicitly or implicitly makes compliance with the conduct a term or condition of an individual’s employment;
- (2) Makes submission to or rejection of the conduct a basis for employment decision(s) affecting an individual;
- (3) Has the purpose or effect of unreasonably interfering with an individual’s work performance; and/or
- (4) Creates an intimidating, hostile, or offensive working environment.

The following examples of sexual harassment are not an exhaustive list but are provided as guidelines for determining expected standards of professional and responsible conduct:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates), and verbal abuse or “kidding” that is sexual in nature and unwelcome.
- Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters, notes, emails, photos, text messages, tweets, and internet postings; or other forms of communication that are sexual in nature and offensive.
- Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, massaging, cornering, kissing, fondling, and forced sexual intercourse or assault.

- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

Sexual harassment most often occurs between persons having unequal power, authority, or influence, regardless of the sexual preference of the parties involved. Threats of adverse consequences or promises of reward may be implied solely by circumstances of unequal power. Unequal power, authority, or influence alone may imply a threat of adverse consequence or promise of reward and describes an inherent conflict of interest when an individual exercises supervisory authority over another and engages in verbal or sexual conduct toward the supervised employee. Therefore, any dating or sexual relationship between a supervisor and subordinate, regardless of whether the relationship is consensual, is strongly discouraged by the Agency because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. If there is such a relationship, the parties involved need to be acutely aware of the compromising conflicts of interest or the appearance of such conflicts and that appropriate action of the Agency may be taken.

COMPLAINT PROCEDURE

It is the duty of every Public Servant who experiences, or witnesses behavior which he/she believes may constitute sexual harassment to immediately report such conduct by following the complaint procedures outlined herein. Retaliation against

any employee who makes a good faith report of conduct which he/she believes may constitute sexual harassment in violation of this policy, or who provides information during an investigation of a complaint, is strictly forbidden and shall be grounds for disciplinary action up to and including dismissal. A victim of harassment should immediately inform the offending person, without fear of retaliation or reprisal, that the conduct is unwelcome, offensive and must stop. This is not a requirement, but rather a highly suggested and recommended course of action to immediately and effectively cease the harassment. Regardless of whether an employee communicates the problem directly to the offender, he/she must report all incidents of harassment to his/her supervisor (if not the offending party).

Formal complaints shall be written and contain the following information:

- 1) Specific description of sexual harassment;
- 2) Where, when, and how often the harassment occurred;
- 3) The name(s) of the harassing person(s); and
- 4) The name of witness (es), if any.

Formal complaints shall be submitted to the Agency or to any Commissioner. Upon receipt of a complaint of sexual harassment, the Agency shall appoint an investigator to investigate all allegations/complaints of sexual harassment, which may include interviewing and gathering statements from the complainant, the accused, and all identified witnesses. Any party who refuses to cooperate with an internal investigation may be subject to disciplinary action. Confidentiality shall be maintained to the extent possible and practicable throughout the process. The investigator shall submit his/her finding to the Chairperson of the Agency and shall make recommendations to the Chairperson for further investigation, dismissal of the complaint, or disciplinary action up to and including dismissal, or, if the complaint is against a Commissioner, removal from office. When the sexual harassment

complaint is between a Commissioner and an employee, the investigator will immediately inform the Chairperson or, if appropriate, another Commissioner.

COMPLAINTS OF FALSE CHARGES

Because of the nature of the problem, complaints of sexual harassment cannot always be substantiated. Lack of corroborating evidence should not discourage victims of harassment from seeking relief through a formal complaint. However, charges found to have been intentionally dishonest or made maliciously without regard for the truth will subject the complainant to disciplinary action up to and including dismissal or removal from office.

APPLICATION AND NOTIFICATION OF POLICY

This policy is applicable to and disseminated to all Commissioners and employees of TNIBD in the following manner:

- The policy is issued to all newly hired TNIBD employees and to newly elected or appointed Commissioners during the onboarding process.
- The policy is located on the TNIBD website through the following link: <https://tnibd.org/>
- Each public servant, which includes all TNIBD employees and Commissioners shall receive a minimum of one-hour mandatory education and training on preventing sexual harassment during each full calendar year.
- Any person designated by the Agency to accept or investigate complaints of sexual harassment must receive additional education and training beyond the one hour per calendar year.

- The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's Agency head.
- The Secretary of the Agency shall be responsible for maintaining records of the compliance of with the mandatory training requirement.
- Each record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

MANDATORY REPORTING REQUIREMENTS:

The Chairperson of the Agency shall compile an annual report by February first of each year containing information from the previous calendar year regarding the Agency's compliance with the requirements of this Chapter to include:

- The number and percentage of public servants in the Agency who have completed the training requirements
- The number of sexual harassment complaints received by the Agency
- The number of complaints which resulted in a finding that sexual harassment occurred
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action
- The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in the manner provided by the Public Records Law.