

Sexual Harassment Policy

PHILOSOPHY

Employees of the State of Louisiana deserve to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. The Louisiana State Board of Private Investigator Examiners is committed to providing its employees a work environment free from inappropriate and offensive behavior of a sexual nature. Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every Board employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy and related training requirements, the Board 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.

PURPOSE

All Board employees have a right to a work environment free of harassment and discrimination. For this reason, employees must refrain from offensive and inappropriate conduct, especially of a sexual nature, within the workplace. This policy applies not only to the customary workplace and work locations where Board employees 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. In addition, this policy applies to off-duty, off-premises behaviors which has an impact on and a relation back to the workplace.

PROHIBITED CONDUCT

Sexually inappropriate behavior proscribed by this policy can take *many* forms, including:

- Unwelcomed sexual advances
- Requests for sexual favors
- Verbal conduct of a sexual nature
- 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 Board office. 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 3 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
- 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)
- 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.
- 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
- Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons, or pictures.

REPORTING PROCEDURE

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. The Board does not require a fixed reporting time or deadline; he sooner the better is preferred and immediately reporting is ideal. Please report to the Executive Director. If this creates a conflict, the occurrence should be reported to the Board Chair.

INVESTIGATION OF COMPLAINT

- All reports of sexually inappropriate behavior will ultimately be reported to the Board attorney who will generally direct the investigative process.
- The Board 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 Civil Service Rules 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 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 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 Executive Director will apprise the Personnel Committee 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.

COMPLAINT RESOLUTION

Any employee found, after appropriate investigation, to have engaged in sexually inappropriate behavior will be disciplined in accordance with applicable law and the Civil Service Rules. 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 Board's administrative investigation.

NON-RETALIATION

Any employee making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal, and harassment. Likewise, any employee 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 or anyone participating in the investigative process, then appropriate, severe disciplinary action will be taken.