

LAFOURCHE PARISH SHERIFF'S OFFICE SHERIFF CRAIG WEBRE	
<i>Appendix D</i> PROCEDURAL ORDER	<i>Effective Date</i> 02/01/1998
SEXUAL HARASSMENT	<i>Amended Date</i> 08/10/2018
	<i>BY ORDER OF</i> CRAIG WEBRE, SHERIFF

SEXUAL HARASSMENT POLICY

Title VII of the Federal Civil Rights Act of 1964, 42 U. S.C. §2000(e) recognizes sexual harassment as a form of sexual discrimination. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows:

29 C.F.R. §1604.11(a).

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Louisiana law, Revised Statutes 42:341-345 further includes inappropriate conduct of a sexual nature in the definition of sexual harassment.

A. POLICY

It is the policy of the Lafourche Parish Sheriff's Office to prohibit any form of sexual harassment of or by the Sheriff's employees.

B. PURPOSE AND IMPORTANCE

The purpose of this policy is to provide uniform guidance and procedures regarding sexual harassment in conformity with applicable federal, state, and local laws. This policy demonstrates the Sheriff's commitment to compliance with the law concerning sexual harassment, establishes a process for the handling of sexual harassment complaints, and responds to the potential impact of sexual harassment on absenteeism, productivity, and turnover.

C. APPLICATION

This policy applies to all employees of the Lafourche Parish Sheriff's Office and their interactions with other employees, inmates, vendors, contractors, and anyone else they may come in contact with in the course of their duties. This policy covers both sexual harassment by either sex toward the other and sexual harassment between employees of the same sex.

D. DEFINITIONS

SEXUAL HARASSMENT: Unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitutes sexual harassment. The sexual favors sought need not be for the person requesting the favors. Sexual harassment may take either of two forms: 1) "Quid Pro Quo" (this in exchange for

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that) harassment by a supervisor or other officer of greater rank; or 2) "hostile environment" sexual harassment. Both forms of sexual harassment are equally prohibited by this policy.

QUID PRO QUO HARASSMENT: takes place when something is given or received for sexual favors between an employee and a supervisor. Additionally, Quid Pro Quo is when submission to, or rejection of sexual advances is used as a basis for employment decisions such as promotions, pay increases, or performance evaluations. This conduct is unlawful and prohibited by this policy.

HOSTILE ENVIRONMENT SEXUAL HARASSMENT: takes place when such conduct, whether committed by a supervisor or non-supervisor, has the effect of unreasonably interfering with an employee's work performance or creates an intimidating hostile or offensive work environment. This conduct is also prohibited both by law and this policy.

Examples of prohibited conduct include, but are not limited to, sexual advances or propositions, repeated offensive sexual flirtations, continued or repeated comments about a person's body or any parts thereof, sexually offensive language or jokes, and display at work of sexually suggestive pictures or objects.

E. COMPLAINT PROCEDURE (FOR SEXUAL HARASSMENT MATTERS ONLY)

1. Alleged harassment by employees.
 - a. Employees who believe they have been sexually harassed by an employee of the Sheriff's Office should tell the person or persons harassing them that their behavior is offensive and must stop. The problem should be immediately reported to their direct supervisors. However, if the immediate supervisor is the person directly or indirectly responsible for the harassment, the employee should instead report the problem to another officer of greater rank at the site. In the rare event that all site personnel are involved, the employee may bring the matter directly to the attention of the Chief Deputy or the Personnel Director.
 - b. All complaints of sexual harassment will be investigated in a timely and responsible manner. To the extent possible, consistent with a thorough investigation, the information supplied by the complainant will be held confidential, except when released due to legal compulsion. Nothing herein shall prohibit the Sheriff from exercising discretion in disclosing any material or statements obtained from the complainant, witnesses or the accused, to any court, board, or agency, or from waiving any privilege to which the Sheriff is entitled. All witnesses and those interviewed during the investigation will be required to treat the matter as confidential. The purpose of confidentiality shall be to protect, to the extent practicable, both the complainant and the accused.
 - c. Investigation of sexual harassment complaints will be carried out in a serious manner and will, whenever practicable, include interviewing the complainant and relevant witnesses and the accused. Employees are to cooperate fully in such investigations. Employees who file a complaint or participate in investigations shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation. Any employee who impedes any investigation, covers up the truth of the matter, or retaliates against a complainant shall be subject to disciplinary action, which may include discharge. When a member who in lodging a complaint puts forward a reasonable claim of fear of physical harm, to the extent practicable, immediate steps will be taken to separate or protect the employee from the alleged harasser. The burden of transfer shall not automatically be assigned to either the

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complainant or the alleged harasser but shall be determined in light of the circumstances involved. If an employee complains of a sexual assault that may constitute a crime, the matter shall immediately be brought to the attention of a Major, the Chief Deputy or the Sheriff.

- d. If at the completion of the investigation, the complaint appears to be valid and supported by the evidence, appropriate disciplinary action (which may include discharge) designed to halt the harassment or prevent any recurrence will be taken. Until the investigation is complete, a decision is reached, and all internal appeals exhausted, temporary measures such as suspension or transfer may be utilized. Because it is the Sheriff's policy to encourage employees to come forward when they believe they have been sexually harassed, a lack of evidence or a complaint that is not sustained will not result in disciplinary actions towards the complainant. However, if the evidence indicates that the complaint is entirely false and motivated by malice, the employee who made the accusation shall be subject to disciplinary action, which may include discharge, and such disciplinary action shall not be considered retaliation for the filing of the complaint.
 - e. Either the complainant or the accused may submit the findings and decisions reached at the conclusion of an investigation to the personal review of the Sheriff, by making a written request to Personnel within five (5) working days of the date they are informed of the decision. The decision of the Sheriff shall be final.
2. Alleged harassment by inmates.
 - a. Sexual harassment by inmates of employees shall be treated as a disciplinary infraction and shall be subject to investigation and punishment according to the rules and procedures governing inmate behavior and discipline.
 - b. Personnel who are the subject of or who observe acts of harassment by inmates shall report the infraction according to the disciplinary procedures of the facility.
 3. Sexual harassment of inmates.
 - a. Sexual harassment of inmates is governed by the Prison Rape Elimination Act (PREA) and includes:
 1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive nature by one inmate, detainee, or resident directed toward another; and
 2. Repeated verbal comments or gestures of a sexual nature to an inmate, detainee, or resident by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.
 - b. Inmates may file a formal grievance, informally contact correctional staff or others within the facility, or contact a third party crisis line to report acts of sexual harassment.
 3. Third parties that engage in harassment.

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- a. Harassment of or by third parties such as vendors, visitors, etc. who are neither employees nor inmates, will not be tolerated and shall be subject to investigation and appropriate corrective measures.
- b. Personnel who are subjected to or who observe acts of harassment committed by third persons shall report the incident(s) immediately to a Supervisor in the facility where such acts were observed or to the Personnel Division.

F. RESPONSIBILITIES

1. All employees will be held responsible and accountable for complying with this policy. All employees are expected to make a conscious effort to avoid any speech or conduct that may be perceived as sexual harassment. Employees who observe sexual harassment should
 - a. Tell the offender to stop;
 - b. Support the victim;
 - c. Document their observations as specifically as possible; and
 - d. Discuss the problem with their supervisors.
2. All employees and supervisors are assigned the responsibility for implementing this policy, insuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted. Supervisors must open and maintain communications channels to permit employees to raise concerns about sexual harassment without fear of retaliation; stop any observed sexual harassment, and treat sexual harassment matters with sensitivity, confidentiality, and objectiveness. A supervisor's failure to carry out these responsibilities may be reflected in the supervisor's performance review, salary adjustment, or may result in discipline or discharge.
3. Administration of the complaint procedure and the carrying out of timely and thorough investigations is assigned to the Personnel Director. All investigations and internal and external reports shall be subject to the supervision and advice of the Chief Deputy. In some cases, the Chief Deputy may assign Internal Affairs to conduct the investigation and write the investigation report. Persons accepting complaints are also responsible for making timely reports to the Personnel Director and the Chief Deputy of the filing of complaints and the results of investigations. Supervisors are responsible to ensure that this policy is properly posted at their site. The Personnel Director will ensure that every employee has personally received a copy of the policy and new employees will receive a copy during their initial orientation. This policy must be re-disseminated whenever it is changed. Employees must sign an acknowledgment of personal receipt of a copy of the policy.
4. The Personnel Director shall provide training sessions to educate and sensitize all supervisory and non-supervisory personnel regarding this policy, and shall audit all investigations for consistency and effectiveness in the administration of disciplinary action.
5. All employees are responsible for completing annual training regarding sexual harassment.

G. MANDATORY REPORTS

Pursuant to La. R.S. 42:344, the Personnel Director shall compile a report for the previous calendar year, capturing the following information:

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1. The number and percentage of Lafourche Parish Sheriff's Office employees who completed sexual harassment training;
2. The number of sexual harassment complaints received by the Agency;
3. The number of complaints which resulted in a finding that sexual harassment occurred;
4. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
5. The amount of time it took to resolve each complaint.

This report is made available to the public as called for in La. R.S. [44.31](#).