

ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE (INCLUDES DATING/CONSENSUAL RELATIONSHIP POLICY PROVISION)

Policy Summary Statement (Posted):

It is the policy of St.Mary Parish Water and Sewer District 4 to promote a productive work environment and not to tolerate verbal or physical conduct by any employee that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment. The full "**Anti-Harassment Policy and Complaint Procedure**" is available to each employee and upon request in the St.Mary Parish Water and Sewer District 4 Human Resources Department.

Comment:

1. Sexual harassment is in violation of Section 703 of Title VII of the Civil Rights Act, as amended, as well as Chapter 6 of Title 42 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 42:341 through 345. Harassment on the basis of sex is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature 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.
2. Employees are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated.
3. Each supervisor and/or manager has a responsibility to keep the workplace free of sexual harassment. No supervisor or manager is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
4. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. This conduct includes:
 - a. Unwanted physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions.
 - b. Verbal harassment of a sexual nature, such as lewd comments, sexual jokes or references, and offensive personal references.
 - c. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual.
 - d. The display in the workplace of demeaning, insulting intimidating, or sexually suggestive objects, pictures, or photographs.
 - e. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as email, instant messaging, and Internet materials).

Any of the above conduct, or other offensive conduct, directed at individuals based on sex is prohibited.

5. Any employee who believes that a supervisor's, manager's, other employee, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report/complain about the situation as soon as possible.
6. All complaints of harassment will be investigated promptly by the Louisiana Workforce Commission's Equal Opportunity and Compliance Division in accordance with DHHS regulation 45 CFR Part 80 and 84 and in as impartial and confidential a manner as possible. Employees are required to cooperate in any investigation.
7. Any employee, supervisor, or manager who is found to have violated the harassment policy will be subjected to appropriate disciplinary action, up to and including termination. St.Mary Parish Water and Sewer District 4 prohibits any form of retaliation against employees for bringing bona fide complaints or providing information about harassment.
8. Any questions regarding either this policy or a fact situation should be addressed to the Office Manager. The employee has a right to file a formal complaint if the harassment continues after the procedures listed above have been followed. The Office Manager will advise the employee of the procedures for filing a formal complaint.

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St.Mary Parish Water and Sewer District 4 employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment as warranted.

Managers and supervisors who knowingly allow, encourage, or tolerate discrimination, harassment, or retaliation, including the failure to immediately report such misconduct to human resources (HR), are in violation of this policy and subject to disciplinary action as described above.

Prohibited Conduct Under This Policy

St.Mary Parish Water and Sewer District 4, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

Discrimination

It is a violation of St.Mary Parish Water and Sewer District 4 policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information or marital status.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws. Discrimination in violation of this policy will be subject to disciplinary measures, up to and including termination.

Harassment

St.Mary Parish Water and Sewer District 4 prohibits harassment of any kind, including sexual harassment, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce an employee, co-worker, or any person working for or on behalf of St.Mary Parish Water and Sewer District 4.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

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- Verbal harassment includes comments that are derogatory, offensive, or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs, and negative stereotyping.
- Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status or other protected status.

Sexual harassment

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under St.Mary Parish Water and Sewer District 4 anti-harassment policy. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as "unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature ... when ... submission to or rejection of such conduct is used as the basis for employment decisions ... or such conduct has the purpose or effect of ... creating an intimidating, hostile or offensive working environment."

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- Is made explicitly or implicitly a term or condition of employment.
- Is used as a basis for an employment decision.

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- Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- , 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 (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which 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, facsimiles, e-mails, 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, cornering, kissing, fondling, and forced sexual intercourse or assault.

Courteous, mutually respectful, pleasant, noncoercive interactions between employees that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

Consensual Romantic or Sexual Relationships

St.Mary Parish Water and Sewer District 4 discourages romantic or sexual relationships between a manager, director, or other supervisory employee and his or her subordinate staff (an employee who reports directly or indirectly to that person) 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.

Moreover, given the uneven balance of power within such relationships, consent by the staff member is suspect and may be viewed by others, or at a later date by the staff member, as having been given as the result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy working environment. If there is such a relationship,

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the parties need to be aware that one or both may be moved to a different department or other actions may be taken as deemed appropriate by the Superintendent to protect the integrity of the workplace.

If any employee of St. Mary Parish Water and Sewer District 4 into a consensual relationship that is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify the HR Manager, Board President, or other appropriate corporate officer. Because of potential issues regarding quid pro quo harassment, St. Mary Parish Water and Sewer District 4 has made reporting of suspected sexual harassment mandatory for all employees. This requirement does not apply to employees who do not work in the same department or to parties where neither one supervises or otherwise manages responsibilities over the other.

Once the relationship is made known to St. Mary Parish Water and Sewer District 4 executive leadership, the company will review the situation with human resources in light of all the facts (reporting relationship between the parties, effect on co-workers, job titles of the parties, etc.) and will determine whether one or both parties need to be moved to another job or department. If it is determined that one party must be moved, and there are jobs in other departments available for both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the CEO will decide which party will be moved. That decision will be based on which move will be least disruptive to the organization as a whole. If no other jobs are available for either party, the parties will be given the option of terminating their relationship or resigning employment.

Retaliation

No hardship, loss, benefit or penalty may be imposed on an employee in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to disciplinary action, up to and including termination of employment.

Confidentiality

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All complaints and investigations are treated confidentially to the extent possible, and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation, and the HR Manager will take adequate steps to ensure that the complainant is protected from retaliation during and after the investigation. All information pertaining to a complaint or investigation under this policy will be maintained in secure files within the HR department.

Complaint Procedure

St.Mary Parish Water and Sewer District 4 has established the following procedure for lodging a complaint of harassment, discrimination, or retaliation. The corporation will treat all aspects of the procedure confidentially to the extent reasonably possible.

1. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The HR Manager or Board President may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the HR Manager or Board President will dictate the verbal complaint.
2. Upon receiving a complaint or being advised by a supervisor or manager that violation of this policy may have occurred, the HR Manager and/or Board President will review the complaint with the St.Mary Parish Water and Sewer District 4 council.
3. The HR Manager will initiate an investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
4. If necessary, the complainant and the respondent will be separated during the course of the investigation, either through internal transfer or administrative leave.
5. During the investigation, the HR Manager and/or Board President, together with legal counsel, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred or may be substantiated.
6. The HR manager or the Board President, conducting the investigation will submit a written report of his or her findings to the Board of Commissioners. If it is determined that a violation of this policy has occurred, the HR Manager will recommend appropriate disciplinary action. The appropriate action will be determined by the Board of Commissioners and will depend on the following factors:
 - a) the severity, frequency and pervasiveness of the misconduct;
 - b) prior complaints made by the complainant;
 - c) prior complaints made against the respondent; and
 - d) the quality of the evidence (e.g., firsthand knowledge, credible corroboration).

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If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the HR Manager may recommend appropriate preventive action.

7. The Commission President will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR Manager and/or Office Manager and decide what action, if any, will be taken.
8. Once a final decision is made by the Commission President, the HR Manager will meet with the complainant and the respondent separately and notify them of the findings of the investigation. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

Alternative legal remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state or federal agencies or the courts.

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HARASSMENT POLICY ADDENDUM

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A. Sexual Harassment. Sexual harassment is strictly prohibited under the Equal Employment Opportunity Commission, Section 703 of Title VII of the Civil Rights Act of 1964 as amended; Louisiana Employment Discrimination Law; R.S. 23:301-303 and 332; and La R.S. 42:341-345. It is defined by the Equal Employment Opportunity Commission as:

Unwelcome sexual advances, requests for sexual favors, and other verbal, physical or inappropriate conduct of a sexual nature if: (1) submission to such conduct is an explicit or implicit term or condition of an individual's employment; (2) submission to or rejection of such conduct is a basis for employment decisions affecting such individual; or (3) the conduct has the potential or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

(1) Sexual harassment may include a range of behaviors and may involve individuals of the same or different gender. Sexual harassment of any employee by another employee, legislator, or other person with whom an employee may have contact as part of his work environment is prohibited. Sexual harassment does not require the intent to offend. All employees should know of their responsibilities and protection under this policy.

(2) Actions that are inappropriate and may meet the definition of sexual harassment or contribute to a hostile work environment, include but are not limited to the following:

- Sexual pranks, or repeated sexual teasing, jokes, gestures or innuendo;
- Lewd comments about an individual's body;
- Touching or grabbing of a sexual nature;
- Talking about ones' sexual activity in front of others;
- Inappropriate unwelcome conduct of a sexual nature such as: cornering, repeatedly standing too close to or brushing up against another's body or leaning into or over a person;
- Giving gifts or leaving objects that are sexually suggestive;
- Posting, making, or displaying pornographic, sexually demeaning, or sexually explicit material in the workplace;
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment;
- Making sexual statements in person, in writing, or electronically, such as email, instant messaging, text messaging, blogs, web pages, social media, etc.

St.Mary Parish Water and Sewer District 4 Policy shall be posted on the corporation's website. Employees shall be informed if changes are made to the policy.

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B. Procedures. If an employee believes that he/she has been harassed or sexually harassed or has witnessed an act of harassment, he/she should immediately report the incident to a supervisor, immediate supervisor, the Human Resource Manager, Commission President. The supervisor or immediate supervisor shall forward the complaint to the Human Resource Manager immediately, who shall in-turn report the allegation to the Commission President immediately. This notification shall include the identity of the person making the complaint and the alleged harasser, and an investigation shall be conducted pursuant to the provisions of this policy. The Human Resource Manager shall immediately initiate an investigation by the Human Resource Office into the complaint.

If the alleged harasser is one a member of management or a supervisor, the complaint should be forwarded to the Commission President and the Commission President shall immediately initiate an investigation into the complaint pursuant to the provisions of this policy.

Any complaint and information resulting from a harassment or sexual harassment investigation will be kept in the strictest confidence, only informing those persons, as the situation dictates, who need to know to affect the earliest resolution.

C. Enforcement Investigation, and Resolution of Complaints. A complaint of harassment or sexual harassment shall be immediately investigated by the Human Resources Manager or as designated by the Commission President pursuant to this policy. The investigation shall be completed within 15 working days of the complaint and the findings of the investigation shall be submitted to the Commission President for action upon completion of the investigation. Final disposition of the complaint shall occur within 30 working days of filing the complaint. Depending upon the circumstances, the employee shall be subject to disciplinary action pursuant to this policy.

D. Retaliation. Employees shall report harassment or sexual harassment without fear of retaliation. There shall be no retaliation against any employee who, acting in good faith, files a complaint, cooperates with an investigation of a complaint, or seeks guidance on compliance concerns or questions.

Retaliation is any action, statement, or behavior that is designed to punish an employee for filing a complaint, cooperating with an investigation of a complaint, seeking guidance regarding a compliance concern or to deter an employee from taking such action.

Acts of retaliation shall be reported immediately to a supervisor, immediate supervisor, or the Human Resource Manager and Commission President. The supervisor or immediate supervisor shall forward the complaint to the Human Resource Manager immediately. The Human Resource Manager shall notify the Commission President and the investigation timeline found in this policy will be followed.

If the retaliation complaint is against a Commissioner, the complaint should be forwarded to the Commission's Office Manager who shall forward to the EO Committee of the Board of Commission. The EO Committee of the Board shall immediately initiate an investigation into the complaint pursuant to the provisions of this policy.

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E. Mandatory Training. All employees shall complete the applicable mandatory training at least annually, as required by state statute and this corporation's policy.

- All employees shall complete a minimum of one hour of education and training on preventing sexual harassment during each calendar year of his public employment. Employees shall send the Human Resource Office a copy of their certificate of completion of the training.
- All supervisors and any employee designated by the CEO to accept or investigate a complaint of sexual harassment shall receive additional education and training each calendar year.
- All training certificates and records will be maintained by the Human Resource Office on a calendar year basis. These training records shall be public record and available to the public in accordance with the Public Records Law.
- Failure to complete the mandatory training requirements may result in disciplinary action.

F. Reporting. The Human Resource Office will compile and submit an annual report to the Legislative Auditor via Agreed Upon Procedures Report each year containing information from the previous calendar year. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- 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; and
- The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in accordance with the Public Records Law.