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TOWN OF COLUMBIA

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SEXUAL HARASSMENT - POLICY

Note: This document in no way constitutes legal advice or guidance, nor does it guarantee compliance with state or federal regulations. It is meant to be a tool toward the development of an individualized policy on sexual harassment after collaboration and consultation with your attorney.

This represents the organizational policy of the Town of Columbia concerning sexual harassment. Any questions concerning the context or content of this policy should be discussed with your department head or the Mayor.

It is the belief of the Town of Columbia that its employees are the primary means by which the goals and objectives of the municipality will be met. All employees of the Town of Columbia must understand its position on harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature when the conduct explicitly or implicitly affects and 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.

Sexual harassment and discrimination in the workplace are prohibited by federal law through the Civil Rights Act of 1964 and by state law through La. R.S. 23:301 et seq. These laws prohibit both quid pro quo harassment, which arises when consent to sexual demands is made an express or implied condition of employment, and hostile work environment harassment, which arises when the workplace is permeated with discriminatory intimidation, ridicule or insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and created by abusive working environment.

Sexual harassment may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

- a) Verbal: Sexual innuendos, suggestive comments, threats, sexual humor;
- b) Non-Verbal: Leering, whistling, obscene gestures, showing inappropriate images; and
- c) Physical: Touching, brushing the body, coerced sexual activity, assault, impeding egress or passage.

Sexual harassment and discrimination in the workplace shall not be tolerated and the Town of Columbia will take appropriate action to end any such harassment and/or prevent the recurrence of any such misconduct .

If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise the person that, in the employee's opinion, the behavior is inappropriate, and the employee would like it stopped.

Any employee of the Town of Columbia may file a complaint of sexual harassment. Any employee who believes he or she has been subjected to unlawful sexual harassment, or has been retaliated against for reporting such activities or assisting in a related investigation of such activities, must report the alleged act immediately or as soon as possible to the town's elected mayor, Hannah Springer. It is not necessary for an employee to complain to an offending supervisor in order to report sexual harassment. If, for whatever reason, the employee does not feel that the persons named in this paragraph are suitable persons to whom to report the incident, the employee should contact the mayor at the Town Hall, 318-649-6174.

Whether or not a particular incident is sexual harassment requires a complete factual investigation, and the Town of Columbia will conduct such investigations on all complaints in a manner so as not to cause any serious effect on innocent employees who either file a complaint and/or may be the subject of a filed complaint. In all instances, a prompt and thorough investigation will take place, giving careful consideration to protect the rights and dignity of all persons involved.

It is mandatory that all parties to an allegation of sexual harassment participate in the investigation of the incident, and cooperation in the investigation of claims of harassment in an express element of each employee's employment with the Town of Columbia. The Town of Columbia will take those steps it feels necessary to resolve the problem, which may include verbal or written reprimand, suspension or termination.

The Town of Columbia will investigate by gathering information , in as confidential a manner as possible, given the need to investigate the complaint, from all concerned parties, and it will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. The Town of Columbia may consult its legal representative for assistance in determining whether conduct that has occurred does in fact constitute sexual harassment. The Town of Columbia may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such harassment has not suffered any retaliation.

No retaliation of any kind will be tolerated because an employed in good faith reports an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

Any employee, manager, or supervisor found by the Town of Columbia to have unlawfully sexually harassed, or unlawfully retaliated against, another employee will be subject to appropriate discipline, up to the including termination. If any employee, manager, or supervisor us found by the Town of Columbia to have intentionally made a false allegation of sexual harassment, that individual will subject to appropriate discipline, up to and including termination.

Regardless of the outcome of the investigation by the Town of Columbia, a complainant may pursue a claim under state and/or federal law.

Mandatory Training Requirements - R.S. 42:343

- Each public servant shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his/her public employment or term of office.
- The Town of Columbia requires the head of office or office manager to accept or investigate a complain of sexual harassment to receive additional education and training.
- The education and training can be received via internet on the Ima website (Ima.org). Print certificate once completed.
- The Town of Columbia's office manager shall ensure that each public servant is notified of the policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The office manager shall be responsible for maintaining records of the compliance of each employee with the mandatory training requirements. Each employee's record of compliance shall be public record and available to the public in accordance with the Public Record Law.

- The Town of Columbia shall ensure that its policy against sexual harassment and its complaint procedure is posted on the website or on the office lobby bulletin.
- Employees may complete a training course request form on the State Civil Service website at:
<https://www.civialservice.louisiana.gov/Divisions/Training/PreventingSexualHarassment.aspx>

Mandatory Reports - R.S. 42:344

The Town of Columbia's Office manager shall compile an annual report by Friday first of each year containing information from the previous calendar year regarding:

- The number and percentage of employees who have completed the 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.

EEOC Requirements:

- It is unlawful to harass an applicant or employee because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.
- Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex.
- Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).
- The harasser can be the victim's supervisor, a supervisor in another area, a coworker, or someone who is not an employee of the employer, such as client or customer.
- Additional resources and guidance are available on the links on the EEOC's website: https://www.eeoc.gov/laws/types/sexual_harassment.cfm