

ST. MARY PARISH LIBRARY SYSTEM

Policy & Procedure Manual

Effective: 12/01/2019

EEO

Sexual Harassment

Purpose: To create and maintain a work environment free of sexual harassment in employment.

Scope: This policy applies to all employees of the St Mary Parish Library.

Policy Statement: The St. Mary Parish Library prohibits sexual harassment against employees or applicants or against any individual who may conduct or have business with the Library. Conduct, which constitutes as sexual harassment, is illegal and therefore prohibited and shall not be tolerated by the Library.

The St. Mary Parish Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination and is against the law, and includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender. All library employees are required to work in a manner that prevents sexual harassment in the workplace. All library employees have a legal right to a workplace free from sexual harassment and can enforce that right by filing a complaint internally, or with a government agency or in court under federal, state or local anti-discrimination laws.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every library employee. Through this policy and related training requirements, The St. Mary Parish Library encourages employees who experience, observe or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees may be assured that The St. Mary Parish Library will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address substantiated violations; and protect complainants and employees involved in the investigative process from any form of harassment, reprisal, or retaliation.

Purpose

Through this policy and the mandatory training required of all employees, the Library seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the broad scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Establish an effective, uniform investigative process
- Trigger prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and employees involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees

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This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. It is not in any way intended to replace or supersede the statutory or regulatory rights regarding sexual harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

Applicability

This policy applies to all St Mary Library employees regardless of position, status, or authority. This includes classified and unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to appointing authorities (both statutory and delegated), executive management, administrators, directors, managers, supervisors, staff, students, and interns.

This policy applies not only to the customary workplace and work locations where St Mary Library employees may be assigned, but also prohibits such behavior while traveling to a work location, at conferences, workshops, trainings, business trips, and business-related social events. Additionally, the behavior prohibited by this policy applies to off-duty, off-premises behavior that impacts the workplace.

Third-party sexual harassment - Sexual harassment complaints against non-St Mary Parish Library employees will be referred to the appropriate authorities and/or handled as St Mary Parish Library management deems appropriate.

Postings

Notices related to workplace harassment and discrimination are posted at all St Mary Parish Library Branches.

Employee Relations Designee

The Director or designee will handle sexual harassment complaints. The Director is located at the A.P. Allain Memorial Branch.

The Director or designee is available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate and conduct the investigative process. Generalized inquiries and questions regarding this policy will be maintained in strict confidence. In some instances, follow-up inquiries or initiation of the investigative process by the Director may be required. Investigation may be necessary even when the employee desires to maintain anonymity, requests that no action be taken, or insists that a formal complaint not be lodged. In general, informal complaints or requests to delay investigation unless or until a future occurrence cannot be honored and will be treated the same as a formal complaint, thus triggering the investigative process.

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Training

To support this policy, St Mary Parish Library requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, St Mary Parish Library mandates the following training for its employees:

- Upon hiring, all new employees will be provided a copy of this policy and instructed to carefully review it.
- All current employees are required to review this policy annually.
- Within ninety (90) days of the hiring date, all new employees are required to complete the most recent training on sexual harassment. Certification of successful completion is required. The employee will ensure that the Certification is printed and given to their branch manager.
- All employees, on an annual basis thereafter, are required to complete the most recent training on sexual harassment. Certification of successful completion is required. The employee will ensure that the Certification is printed and given to their branch manager.
- Supervisors and any persons designated by the Director to accept or investigate a sexual harassment complaint are required to complete additional education and training on sexual harassment for supervisors on an annual basis. Certification of successful completion is required. The employee will ensure that the Certification is printed and given to the Director.

Prohibited Conduct

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 employee's employment, unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment. Sexual harassment shall not be tolerated.

Sexual harassment is defined by La. R.S. 42:352(8) as unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature which 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, by a public servant of the state. It includes intimidation, reprisal, retaliation, or discrimination that is unlawful under state or federal law and is taken against a public servant of the state because of a claim of sexual harassment in violation of state or federal law.

Prohibited conduct relative to sexual harassment includes but is not limited to the following:

- Unwelcome physical contact, including touching on any part of the body, kissing, hugging or standing close enough to make another person uncomfortable;

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- Requests for sexual favors either directly or indirectly (for example, requiring a subordinate employee to go out to lunch or to have a drink may be perceived as a request for sexual favors under some circumstances, especially if the conduct has no business purpose);
- Requiring sexual favors as a condition of employment, obtaining a raise, obtaining new duties, a better office or any type of advancement in the workplace;
- Threatening dismissal or unfairly evaluating performance in retaliation for rejection of sexual advances;
- Sexual flirtations, advances or propositions;
- Graphic comments about an individual's body;
- Sexually degrading words to describe an individual;
- The display in the workplace of sexually suggestive objects, pictures, or writings; or,
- Other harassment that could rise to the level of sexual harassment.

For illustrative purposes only, sexually inappropriate behavior, even on an occasional basis, may include, but is not limited to:

- Verbal: Unwelcomed sexual flirtations, advances, propositions, or demands; unwelcomed sexual remarks, teasing, jokes, pranks, innuendo, insults, or inquiries; sexually insensitive or derogatory comments; unwelcomed repeated requests for dates or social engagement; inappropriate comments regarding a person's physical attributes; comments regarding sexual activities, exploits, prowess, or accomplishments; use of vulgar, crude or sexually offensive language; sexually insulting noises, catcalls, or whistling; stereotypical comments; repeatedly referring to an individual as "honey", "babe", "sugar", etc.
- Non-Verbal: Gestures of a sexual nature; lustful looks, staring and leering; displaying sexually revealing or suggestive pictures, cartoons, caricatures, drawings, photographs, magazines, books, graffiti, or objects; transmitting sexually oriented emails, texts, letters, writings, communications, and images.
- Physical: Unwelcomed physical contact including kissing, touching, embracing, hugging, massaging, rubbing, fondling, groping, tickling, pinching, and patting; invading another's space by leaning over, purposefully cornering, or blocking passage; sexual assault, battery, and rape.

Confronting the Accused

An employee experiencing unwelcome behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, if the behavior continues, the concern should be reported promptly.

St Mary Parish Library recognizes that confronting an offender in this fashion can be discomforting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, St Mary Parish Library does not require

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employees to do so, and certainly does not require that this be done before using the reporting procedure provided in this policy.

Reporting Procedure

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. Prompt initiation of the investigation enhances the ability to identify witnesses and preserve evidence, and protects against faltering memories occasioned by the passage of time. For these reasons, employees are encouraged to report such behavior as soon as possible, and discouraged from waiting to cumulate offenses or the recurrence “one more time” of the offensive behavior.

St Mary Parish Library does not require a fixed reporting time or deadline – the sooner, the better is preferred, and immediate reporting is the ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text), and need not utilize a specific form. Most importantly, St Mary Parish Library does not require a rigid reporting protocol.

The report can be made to the employee’s direct supervisor. However, if the complaint involves the supervisor or, regardless of reason, the employee prefers to not involve that supervisor, the report can be made to any supervisor or manager or directly to the Director. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Director of the information provided.

Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without this level of detail, the ability to conduct a thorough investigation may be impeded.

Investigation of Complaints

All reports and complaints of sexually inappropriate behavior will be directed to the Director who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be done to determine whether action should be taken to prevent further occurrence of the offensive behavior. For example, it may be appropriate to authorize leave or temporarily reassign personnel.

The investigation will be given priority and begin as soon as practicable. In most instances, it will be conducted by a designated team comprised of the Business Office Manager or the Human Resources Manager and others identified by management. This team approach permits the investigators to evaluate the information gathered during the investigative process from different perspectives, enhances objectivity, and ensures thoroughness.

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The investigation generally will begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information has been evaluated, the accused will be interviewed.

All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses. The complainant and the accused are required to participate in the investigation. Employees, including the accused, do not have the option of remaining silent or declining to get involved. Those questioned may be required to prepare a written statement or provide a recorded statement. Employees are hereby informed that polygraph examinations may be employed as an investigative tool.

The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.

Upon completion of the investigation, the Director will apprise management of the outcome and recommendations for resolution. Until a final decision is made, the investigative team will remain available to receive new information.

Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints without regard for the ultimate outcome. As noted in the Violations section below, filing an intentionally false, malicious, or frivolous complaint will be considered a violation of this policy.

Complaint Resolution

Upon conclusion of the investigation, the complainant and accused will be apprised of whether the complaint was substantiated or unsubstantiated. Management's decision is final and concludes St Mary Parish Library's internal administrative investigative process. 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 St Mary Parish Library's administrative investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

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EEOC District Office	LCHR
Hale Boggs Federal Building	1001 N. 23rd Street, Suite 268
500 Poydras Street, Suite 809	Post Office Box 94094
New Orleans, Louisiana 70130	Baton Rouge, Louisiana 70804
800-669-4000 (Voice)	225-342-6969 (Voice)
504-589-2958 (TDD)	888-241-0859 (TDD)
504-595-2844 (Fax)	225-342-2063 (Fax)
https://www.eeoc.gov/	http://gov/page/lchr

Given the wide range of behaviors prohibited by this policy, the resolution decided upon by executive management will be determined by a number of factors. Most notably, the nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed will heavily influence the action to be taken. Complainants can be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to corrective action. This may include counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may be utilized to protect against the recurrence of the inappropriate behavior.

Retaliation Strictly Prohibited

St Mary Parish Library maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior, as well as those employees providing information or participating in the investigative process. If a complaint of retaliation is made and an investigation reveals that harassment, retaliation or reprisal has occurred. Employees can be assured that if a complaint is made and an investigation reveals that harassment, retaliation, or reprisal has occurred, severe disciplinary action will be imposed up and to including dismissal.

Responsibilities

It is the responsibility of all employees to ensure compliance with this policy. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

Violations

St Mary Parish Library will aggressively address violations of this policy. After investigation and satisfaction of due process requirements, corrective action, including disciplinary

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action up to and including termination, may be imposed for the following actions, including but not limited to:

- Failure to comply with mandatory training requirements
- Failure by a supervisor or manager to timely transmit a reported complaint of sexually inappropriate behavior
- Failure to participate or cooperate in the investigative process
- Providing false or withholding information during questioning
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

Notice of Personal Liability

Louisiana law requires government agencies to develop and implement policies and related training to prevent sexual harassment in the workplace. The prohibitions and requirements within these policies apply to all public servants – employees, appointees and elected officials.

Louisiana's taxpayers have been financially burdened by judgments and settlements arising from claims of workplace sexual harassment. To reduce this impact, La. R. S. 42:351, enacted in the 2019 Regular Session (Act No. 43), declares that consideration be given to requiring that a public servant, determined to have engaged in sexually inappropriate behavior, personally reimburse all or a portion of any judgment or settlement resulting from such behavior. La. R. S. 42:353 sets forth the process and factors to be considered in making this determination, and authorizes the Attorney General to file suit against a public servant to enforce the state's right to reimbursement and indemnification.

This notice of potential personal liability contained in this policy is disseminated to every newly hired Library employee. This notice is also disseminated, on an annual basis, to all current employees of the Library through review of this policy. Reference to this potential personal liability also is included in the mandatory annual training on sexual harassment. (See Training section of this policy).

Mandatory Reporting Requirements La. R. S. 42:344

The Director or designee shall compile an annual report by February first of each year containing information regarding sexual harassment. 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;

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- 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. Pursuant to La. R. S. 42:344.

Questions

Questions, comments, or concerns regarding this policy should be addressed to St Mary Parish Library's Director.