I. PURPOSE
Northeast Delta Human Services Authority (NEDHSA) hereby establishes this policy to prohibit sexual harassment, give examples of sexual harassment, establish the process for submitting a complaint alleging sexual harassment, establish a clear prohibition against retaliating against any individual who submits a complaint or assists with the investigation, and establish mandatory training requirements.

II. STATEMENT OF POLICY
A. NEDHSA does not tolerate any type of sexual harassment, including verbal, physical or other inappropriate conduct, by employees, staff members or contractors when the harassment affects any individual’s employment, unreasonably interferes with an individual’s work performance or creates an intimidating, offensive or hostile work environment. Each supervisor has the responsibility to maintain a workplace free of sexual harassment and enforcement of this policy. Sexual harassment is prohibited in all NEDHSA offices and clinics.

B. NEDHSA prohibits any type of retaliation against the complainant or anyone who provides information during the investigation or participates in any way during the investigation or other proceeding involving of the grievance.

C. All employees, onsite contractors, and staff members are responsible for assisting and cooperating with the complaint investigation when necessary or requested.

III. APPLICABILITY
This policy applies to all employees, staff members and onsite contractors working for NEDHSA in its offices and clinics.

IV. DEFINITIONS
Sexual harassment – unwelcome sexual advances, requests for sexual favors, and other verbal and physical conduct of a sexual nature when:
a) The conduct either explicitly or implicitly affects an individual’s employment;
b) The conduct unreasonable interferes with an individual’s work performance; or
c) The conduct creates an intimidating, hostile or offensive working environment.

V. ENFORCEMENT
Violations of this policy, including false accusations, may result in disciplinary action up to and including dismissal.

VI. EXCEPTIONS
There are no exceptions to this policy.

VII. PROCEDURE
A. Complaint - Any employee, staff member, or contractor who believes that he or she has been the subject of sexual harassment should report the alleged charge utilizing NEDHSA’s Grievance Policy #5.28 procedures as soon as possible. All information will be held in the strictest confidence and will be disclosed only on a “need-to-know” basis to investigate and resolve the matter.

B. Reporting – Any employee, staff member, or contractor who believes that he or she observed an incident of sexual harassment should report the alleged incident in the same manner as a grievance or complaint utilizing procedures from NEDHSA’s Grievance Policy #5.28.

VIII. STAFF TRAINING
Each employee, onsite contractor and staff member working for NEDHSA is required to receive one hour of education and training on preventing sexual harassment during each calendar year of employment or term. Supervisors and any persons designated to receive and/or investigate a sexual harassment complaint shall receive an additional 1 hour of training per year.

NEDHSA shall maintain a record of training received by each employee, staff member, and onsite contractor in the appropriate file.

The NEDHSA Human Resources Department shall notify staff annually (by January 31st) of the training requirement and will provide the Executive Director a quarterly compliance report by the 15th of the month following the quarter.

IX. DISSEMINATION
NEDHSA shall notify, by e-mail, every employee, onsite contractor, and staff member of this policy and the mandatory training requirement upon adoption. This policy shall be posted on NEDHSA’s website and is available upon request.

X. ATTACHMENTS
Appendix A – Applicable Statutes and Regulations and Examples
XI. REFERENCES
Grievance Policy #5.28
Applicable Statutes and Regulations


A. 42:341 “Definitions - Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

1. Agency means a department, office, division, agency, commission, board, committee, or other organizational unit of a governmental entity.
2. Agency head means the chief executive or administrative officer of an agency or the chairman of a board or commission.
3. Elected official means any person holding an office in a governmental entity which is filled by the vote of the appropriate electorate. It shall also include any person appointed to fill a vacancy in such office.
4. Governmental entity means the state or any political subdivision.
5. Public employee means anyone who is:
   a. An administrative officer or official of a governmental entity who is not filling an elective office.
   b. Appointed to a post or position created by rule, law, resolution, ordinance, charter, or executive order.
   c. Employed by an agency, officer, or official of a governmental entity.
6. Public servant means a public employee or an elected official.”

B. 42:342 “Mandatory policy prohibiting sexual harassment

1. Each agency head shall develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency.
2. At a minimum, the policy shall contain all of the following:
   a. A clear statement that 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 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 and shall not be tolerated.
   b. A description of the behavior the agency defines as inappropriate conduct, including examples.
   c. An effective complaint or grievance process that includes taking immediate and appropriate action when a complaint of sexual harassment involving any public servant in the agency is received. The complaint process shall detail who may make a complaint, to whom a complaint may be made, and shall provide for alternative designees to receive complaints. Actions taken on the complaint shall be documented.
   d. A clear prohibition against retaliation against an individual for filing a complaint or testifying or participating in any way in an
investigation or other proceeding involving a complaint of sexual harassment.
e. A statement apprising public servants of applicable federal and state law on sexual harassment.”

C. 42:343 “Preventing sexual harassment; mandatory training requirements
1. 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 public employment or term of office, as the case may be.
2. An agency head shall require supervisors and any persons designated by the agency to accept or investigate a complaint of sexual harassment in his agency to receive additional education and training.
3. The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's agency head.
4. Each agency head shall ensure that each public servant in the agency is notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The agency head, or his designee, shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.
5. Each agency head shall ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website or, if the agency does not have a website, that a notice on how to obtain the information is posted in a conspicuous location in each of the agency's offices.”

D. 42:344 “Mandatory Reports
1. Each agency head shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance with the requirements of this Chapter including the number and percentage of public servants in his agency who have completed the training requirements, the number of sexual harassment complaints received by his agency, 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 the manner provided by the Public Records Law.
2. Agency heads in state government shall submit the reports required by Subsection A of this Section by February fifteenth of each year as follows:
a. Agency heads in the twenty principal departments of the executive branch of state government, the office of the governor, and the office of lieutenant governor shall submit the report to the division of administration.
b. Agency heads in the legislative branch of state government shall submit the report to the Legislative Budgetary Control Council.

c. Agency heads in the judicial branch of state government, including the supreme court, courts of appeal, district courts, and other courts authorized by Article V of the Constitution of Louisiana, shall submit the report to the chief justice of the supreme court.

3. The office of risk management, within the division of administration, shall submit an annual report to the speaker of the House of Representatives and the president of the Senate, related to the complaints of sexual harassment which are filed with the office for adjustment, as follows:

   a. The total number of sexual harassment cases filed with office of risk management.
   b. The number of cases which are settled and the total monetary amount paid in settlements.
   c. The number of cases for which a lawsuit is filed and the disposition of each case.
   d. The monetary amount paid for attorney fees, court costs, expert witness fees and any other litigation costs to defend each sexual harassment complaint.”

II. **42 USC 2000e-2** (Due to the length of this Act, only certain provisions are provided as follows)

   A. "Employer Practices – It shall be an unlawful employment practice for an employer:

      1. to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin; or

      2. to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual’s race, color, religion, sex, or national origin.

   B. Employment Agency Practices - It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin."

III. **29 CFR § 1604.11 Sexual Harassment**

   A. “Harassment on the basis of sex is a violation of section 703 of title VII. 1 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.

B. In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

C. [Reserved]

D. With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

E. An employer may also be responsible for the acts of non-employees, with respect to sexual harassment of employees in the workplace, where the employer (or its agents or supervisory employees) knows or should have known of the conduct and fails to take immediate and appropriate corrective action. In reviewing these cases the Commission will consider the extent of the employer's control and any other legal responsibility which the employer may have with respect to the conduct of such non-employees.

F. Prevention is the best tool for the elimination of sexual harassment. An employer should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under title VII, and developing methods to sensitize all concerned.

G. Other related practices: Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit."