



## 207 Sexual Harassment Prohibited

Sexual harassment shall not be tolerated by the LLA. All claims of sexual harassment shall be thoroughly investigated and any violation of this policy shall be subject to full disciplinary action up to and including termination. The harasser(s) and the victim(s) may both be employees of our office or one may be from outside the office. In any case, all sexual harassment situations must be reported immediately.

### 207.1 Defining Sexual Harassment

1. Sexual harassment is a form of sex discrimination that violates [Title VII of the Civil Rights Act of 1964](#). The EEOC provides guidelines prohibiting [sexual harassment](#) in the workplace. These guidelines state that unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:
  - (a) Submission is made either explicitly or implicitly a term or condition of employment;
  - (b) Submission to or rejection of a sexual invitation is used as the basis for employment decisions; or
  - (c) Sexual advances or request for sexual favors has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
2. Sexual harassment does not refer to the behavior or occasional compliment of a socially acceptable nature. It refers to behavior that is unwelcomed, personally offensive, fails to respect the rights of others, lowers morale, or interferes with work effectiveness.
3. For action to be taken, sexual harassment must be sufficiently severe or pervasive to alter the conditions of the victim's employment and/or create a hostile work environment.
4. Although the most common form of sexual harassment is the demand for sexual favors, sexual harassment can take on many different forms. Other forms of harassment include: sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, sexually suggestive objects, pictures, graphics, commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, and unwanted physical contact. Widespread favoritism in the workplace of a paramour or friend based on the granting of sexual favors may create an illegal hostile work environment. Intimate relationships between supervisors and subordinate employees shall be reported to the First Assistant Legislative Auditor and copying Human Resources.
5. Discretion will be used while investigating and remedying sexual harassment claims. Situations will be reviewed on a case-by-case basis.



6. All investigations will be handled in a prompt and confidential manner. Certain individuals may need to be interviewed regarding the sexual harassment complaint. The importance of confidentiality will be explained to the parties involved to ensure as much privacy as possible.
7. Any and all records maintained in a sexual harassment investigation are confidential, and access to these records is limited to those who need the records for official use with permission from the Legislative Auditor.
8. Sexual harassment, whether experienced or observed personally or reported by another person, must be addressed. In the eyes of the law, supervisors and managers represent the agency. Employers are liable when a supervisor uses their vested authority to commit "quid pro quo" harassment, making submission to a sexual invitation a term or condition of employment or the basis for employment decisions.

### **207.2 Procedures for Reporting Harassment**

1. Notice of a sexual harassment claim shall be submitted as soon as possible. Notice can be from the victim or an observer.
2. Notice shall be submitted to Human Resources or the First Assistant Legislative Auditor of the LLA. Having males and females available for claims filing will hopefully make the reporter of the incident more comfortable by allowing them the opportunity to initially talk to someone of the same sex. The Executive Counsel and head of Human Resources or designee will lead the investigation.
3. Notice does not have to be given to an immediate supervisor; however, notice does need to be given to Human Resources.
4. Provide written notice which includes the following:
  - (a) Name of Complainant(s);
  - (b) Name of Offender(s); and
  - (c) A description of the incident, action, policy, etc. which initiates this claim for noncompliance of EEO. Include date(s), day(s), time(s) of day, location(s), witness(es) name(s), number of occurrences, the nature of the harassment, the effect of the harassment on the claimants working environment, and any other relevant information regarding the situation(s).
5. Provide all information and documentation, including but not limited to emails, voice recording, notes, texts, etc.
6. Human Resources will discuss the violation with claimant/victim for further clarification and documentation, if necessary. An investigation of the claim will be conducted as soon as practicable. Parties involved and any designated witnesses will be interviewed as soon as practicable, following receipt of the claim. Interviews will be documented and kept in



a confidential file created for each claim. Results of the investigation will be reported to the Legislative Auditor. In addition, final determination will be communicated to appropriate parties. Documentation of the outcome will be made and placed in a confidential file. Final appeal can be made to the Legislative Auditor.

7. The Legislative Auditor will not tolerate reprisal or retaliation against any party involved. Such action will be grounds for discipline up to and including termination. [See Section 209: Retaliation Prohibited.](#)

### **207.3 Notice & Reporting**

Beginning February 15, 2020, and annually thereafter, the LLA will submit a report to the Legislative Budgetary Control Council as required by [RS 42:344 \(A\)\(B\)\(2\)](#). This report shall contain information from the previous calendar year regarding the LLA's compliance with the requirements including the number and percentage of public servants in the LLA who have completed the training requirements, the number of sexual harassment complaints received by the LLA, 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.

### **207.4 Posting**

LLA's sexual harassment policy shall be posted on our agency website and intranet.

## **208 Investigation Procedures by Human Resources**

1. Investigations for any form of harassment or discrimination will be conducted by members of Human Resources or designated committee.
2. For further clarification and documentation, if necessary, interviewing all parties involved and any named witness(es) will begin as soon as practicable, following receipt of the claim.
3. A statement from each person interviewed will be documented. These persons include, but are not limited to, alleged harasser(s), victim(s), or witness(es).
4. Interviews will be documented and kept in a confidential file created for each claim.
5. Based on the evidence, disciplinary action may be taken, ranging from reprimand up to and including termination.
6. Upon completion of the investigation, results of the investigation will be communicated timely to the Legislative Auditor, complainant(s) and the alleged harasser(s) even though the results may be inconclusive.
7. Documentation of the outcome, regardless of the conclusion, will be kept in a confidential file.



8. 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 Executive Counsel and Head of Human Resources may recommend appropriate training and/or other preventative action. Final appeal can be made to the Legislative Auditor.
9. The Legislative Auditor will not tolerate reprisal or retaliation against any party involved. Such action will be grounds for discipline up to and including termination [See Section 209: Retaliation Prohibited](#).

## **209 Retaliation Prohibited**

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

- Filing or responding to a bona fide complaint of discrimination or harassment,
- Appearing as a witness in an investigation of a complaint, or
- 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 discipline up to and including termination.