

## **DEPARTMENT OF NATURAL RESOURCES**

### **Human Resources Policy No. 10-A**

**EFFECTIVE DATE: MARCH 10, 2015**

**SUBJECT: POLICY PROHIBITING SEXUAL HARASSMENT**

**AUTHORIZATION: STEPHEN CHUSTZ, SECRETARY**

#### **I. POLICY**

The employees of the Department of Natural Resources (DNR) have the expectation and right to work in an environment free of discrimination. Sexual harassment is a form of discrimination prohibited by federal and state law. Given the devastating impact caused by sexually inappropriate behavior in the workplace, DNR employees are required to familiarize themselves with the prohibitions within this policy and complete sexual harassment training on an annual basis. Managers and supervisors are responsible for ensuring that the workplace is free of sexually inappropriate behavior. Complaints of such behavior will be promptly and thoroughly investigated, and any employee deemed to have violated this policy will be appropriately disciplined.

#### **II. PURPOSE**

DNR is committed to providing its employees a work environment free of sexually inappropriate behavior. This policy serves to define sexual harassment and the conduct of a sexual nature prohibited in the workplace. This policy also sets forth a procedure for effectively reporting such inappropriate behavior.

#### **III. APPLICABILITY**

This policy applies to all DNR employees, regardless of status or position.

#### **IV. PROHIBITED CONDUCT**

Sexual harassment or, in more general terms, inappropriate behavior of a sexual nature, can take many forms, including unwelcomed sexual advances, requests for sexual favor and other verbal or physical conduct of a sexual nature. It can involve behavior by a person of either gender against a person of the same or opposite gender. It may include conduct of an administrator, manager or supervisor towards a subordinate employee, or conduct by one employee towards another employee of equal, lesser or greater rank. It may also include words or behavior by a vendor, contractor or visitor to DNR. An employee also may be the victim of sexually inappropriate behavior because he/she has been adversely affected by such behavior directed towards another.

As defined by law, unwelcomed sexual words or behavior constitute sexual harassment when:

- 1) Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- 2) Submission to or rejection of such conduct is used as a basis for employment decisions (hiring, continued employment, evaluations, wages, advancement, assigned duties, shifts or any other condition of employment or career development); or
- 3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creates an intimidating, hostile or offensive work environment.

As examples, sexually inappropriate behavior includes, but is not limited to:

- Unwelcomed sexual flirtations, advances or propositions
- Unwelcomed sexual teasing, jokes, innuendo, insults, remarks or inquiries
- Unwelcomed sexual looks (leering) or gestures
- Unwelcomed physical contact (touching, rubbing, leaning over, brushing against, pinching)
- Verbal or written abuse of a sexual nature
- Requests for sexual favor
- Graphic verbal or sexual comments about an individual or to describe an individual's body
- Inappropriately referring to an individual as "Honey", "Babe", "Sugar", "Dear", etc.)
- Sexual or insulting noises (whistling)
- Vulgar, crude and other such sexually offensive language
- Discussing sexual activities, exploits or accomplishments
- Inappropriate commenting on a person's physical attributes
- Displaying sexually suggestive pictures, cartoons, photographs, magazines, books, objects or graffiti

**NOTE:** Employees should understand that the verbal and physical behavior proscribed herein is always inappropriate in the workplace and hence, violative of DNR policy, although such behavior may not be actionable as a civil law suit in a court of law. The totality of the circumstances will be considered, including the pervasiveness, offensiveness and unwelcomed nature of the conduct, with each situation addressed on a case-by-case basis.

## **V. COMPLAINT PROCEDURE**

Any employee experiencing or witnessing sexually inappropriate behavior by anyone affiliated with DNR, including any administrator, manager, supervisor, subordinate, co-

worker, contractor or visitor, shall immediately report the inappropriate conduct. Such disclosure may be made verbally or in writing and should be made, in most circumstances, to the employee's supervisor who is responsible for further reporting the complaint up the chain of command. If the complaint involves the employee's supervisor or someone within the employee's direct line of supervision or, if the employee, for any reason, is uncomfortable reporting to his/her supervisor, he/she may contact any other supervisor or directly contact the Human Resources Division.

## **VI. INVESTIGATION OF COMPLAINTS**

- 1) All reports and complaints of sexually inappropriate behavior immediately shall be reported to the Human Resources Director who generally will direct the investigative process.
- 2) The Human Resources Director will ensure that **all** such reports and complaints are promptly and thoroughly investigated. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.
- 3) To prevent further occurrence and facilitate the investigative process, temporary reassignments, transfers, forced placement off from work or other personnel actions permissible under the Civil Service Rules may be utilized.
- 4) The investigation will be thorough and include interviews with the complainant, the accused, witnesses and any other individual(s) possessing relevant information. Records, logs and other such documentation likewise will be thoroughly reviewed.
- 5) Employees called upon to participate in the investigative process are required to answer all questions truthfully and cooperatively.
- 6) The investigative process generally will be memorialized such that those involved may be required to prepare written statements or provide recorded statements.
- 7) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis upon the privacy rights of all involved.
- 8) To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved.
- 9) To preserve the integrity of the investigative process and protect the privacy rights of all concerned, employees are prohibited from discussing

the occurrence of a complaint and the facts related thereto unless called upon to participate in the investigation.

- 10) The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis upon the rights of all involved.

## **VII. COMPLAINT RESOLUTION**

- 1) Any employee found, after investigation, to have engaged in inappropriate behavior of a sexual nature, regardless of whether such behavior rises to the level of sexual harassment as defined by law, will be subject to corrective action authorized by the Civil Service Rules, which may include counseling, reprimand, suspension, reduction in pay, demotion or termination.
- 2) In addition to corrective action, other appropriate measures, including re-training, follow-up inquiries, relocation, reassignment, etc. may be utilized to ensure that the inappropriate behavior does not recur.
- 3) Any employee found, after investigation, to have:
  - a) Provided false information during the investigative process;
  - b) Refused to participate in the investigative process;
  - c) In some fashion impeded the investigative process; or
  - d) Unnecessarily or inappropriately discussed a pending complaint, the facts related thereto or investigation thereof;will be subject to corrective action authorized by the Civil Service Rules, which may include counseling, reprimand, suspension, reduction in pay, demotion or termination.
- 4) Complaints found, after investigation, to have been made in bad faith or with malice will be appropriately addressed, with consideration given to the negative impact upon the accused and the department's operations, and the resources used during the investigative process.

## **VIII. NON-RETALIATION**

- 1) Any employee making a good faith complaint of sexually inappropriate behavior will be protected from harassment, retaliation and reprisal.
- 2) Any employee providing information or participating in the investigative process will be protected from harassment, retaliation and reprisal.
- 3) If a complaint is made and the investigation reveals that harassment, retaliation or reprisal has occurred against a complainant or employee participating in the investigative process, severe disciplinary action will be imposed.

**IX. FEDERAL AND STATE LAW**

This policy is intended to supplement rather than replace or supersede the private and/or statutory processes regarding sexual harassment available to employees under state and federal law, including Title VII of the Civil Rights Act of 1964 and La. R.S. 22:301 et seq. Employees should be aware of the time delays and requisites of law which require the filing of a complaint with the Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights. This information is posted throughout DNR and is available from the Human Resources Division.

**X. RESPONSIBILITY**

It is the responsibility of all employees, regardless of rank or status, to ensure compliance with this policy. Employees must realize that reporting the behavior proscribed by this policy is mandatory and failure to do so will be addressed via the disciplinary process.

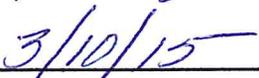
**XI. EXCEPTIONS**

There shall be no exceptions to this policy.

**XII. QUESTIONS**

Questions, comments or concerns regarding this policy should be addressed to the Human Resources Director.

  
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**STEPHEN CHUSTZ, SECRETARY**

  
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**DATE**

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**INITIAL ISSUE DATE: 04/99**

**REVISION DATE: 07/12**

**DEPARTMENT OF NATURAL RESOURCES**  
**POLICY PROHIBITING SEXUAL HARASSMENT**

**EMPLOYEE ACKNOWLEDGMENT**

My signature hereon acknowledges that:

- 1) I have received a copy of the Department of Natural Resources' Policy Prohibiting Sexual Harassment;
- 2) I have read this Policy;
- 3) I understand the content of this Policy;
- 4) I agree to comply with the terms and provisions of this Policy;
- 5) I understand that compliance with this Policy is a condition of employment/continued employment; and
- 6) I understand that disciplinary action, including the possibility of termination, will be imposed for violating the terms and conditions of this Policy.

\_\_\_\_\_  
**EMPLOYEE SIGNATURE**

\_\_\_\_\_  
**EMPLOYEE NAME (PRINT)**

\_\_\_\_\_  
**DATE**