

20. Sexual and Other Harassment

Purpose: To maintain a work environment that is free of discrimination and harassment in accordance with applicable law.

Policy: JPASD will have "zero tolerance" when it comes to any behavior that rises to the level of unlawful discrimination or unlawful harassment as defined in La. R.S. 42:342 and EEOC. Sexual harassment shall not be tolerated.

Procedure:

I. Harassment Prohibited.

a. General Prohibition on Discrimination and Harassment.

1. All personnel shall respect the rights, opinions, and beliefs of others. Harassment of, or discrimination against, any person by anyone (regardless of their position) because of a person's race, color, national origin, ancestry, religion, sex, age, disability, political belief, military service, or any other protected class, is strictly prohibited, whether directed at an employee, a volunteer, or at a member of the community.
2. Harassment outlined in this Policy is prohibited whether or not it also violates federal and/or state law.

b. Sexual Harassment.

1. Sexual harassment may include *any* unwelcome sexual advance, requests for sexual favors, and other verbal or physical conduct of a sexual nature. These requests, advances, or sexual conduct constitute unlawful *sexual harassment* when:
 - A. Tolerating the conduct is a condition of employment or condition of participation in JPASD activities. For example: The submission to the improper conduct is made a term or condition of employment or participation in Company activities (Example: Employee is told by a supervisor that she should date him in order to get a good performance review).
 - B. The conduct has adverse consequences on the individual. For example: The submission to or rejection of the harassing conduct is used as a basis for employment or membership decisions affecting the individual (Example: Employee refuses sexual advances or legitimately complains of improper conduct and is assigned a work schedule that is designed to be intolerable).
 - C. The conduct offensively interferes with the individual's performance or ability to function in their position. For example:

The conduct has the purpose or effect of unreasonably interfering with performance by creating an intimidating, hostile, or offensive environment (Example: Female member feels sick when she comes to the station because whenever she is there, a male staff member (or members) frequently makes comments about her body parts or physical attributes).
2. Sexual harassment is prohibited. That is:
 - A. No one may threaten or imply that submission to or rejection of sexual advances will in any way influence any decision about employment or membership, duties, assignment, or other terms or conditions of employment or membership.

- B. No one may take any personnel action based on a staff member's submission to or rejection of sexual advances.
 - C. No one may subject another person to any unwelcome conduct of a sexual nature. Some examples of unwelcome conduct of a sexual nature include:
 - Unwelcome physical conduct, such as touching, restraining, blocking, staring, making sexual gestures, exposing private body areas to others, and making or displaying sexual drawings, photographs, videotapes, DVDs or other pornographic materials.
 - Unwelcome verbal conduct, such as sexual propositions, sexual slurs and insults, comments about private body areas (such as breasts and genitals), jokes with sexually-oriented content and other sexual comments.
 - Intentional receipt or transmission of pornographic or sexually explicit jokes, photographs, cartoons, or other material via computer equipment from or through the Internet or via electronic mail.
 - No one may engage in consensual or non-consensual conduct of a sexual nature in JPASD vehicles or on any JPASD property.
 - No one may engage in non-sexual touching that could be perceived or otherwise lead to more intimate sexual conduct, including giving backrubs and other treatment that involves touching.
- c. Other Harassment.
- 1. No one may harass anyone because of that person's race, color, national origin, ancestry, religion, sex, age, disability, political belief, military service, or any other protected class. Examples of conduct prohibited by this Policy include using racial and ethnic slurs or offensive stereotypes and making jokes about these characteristics.
 - 2. Physical harassment is prohibited, including but not limited to:
 - A. Kissing, patting, touching, bumping, or other unwanted contact.
 - B. Unsolicited shoulder/body massages.
 - C. Touching or adjusting the clothing of another without permission.
 - D. Blocking passageway or cornering a person so they cannot move even if it is just for a brief moment.
 - E. Involuntary seclusion, such as barring the staff member from contact with other crew members while at the station.
 - F. Physical Assault/Rape.
 - 3. Verbal harassment is also prohibited, including, but not limited to:
 - A. Obscene noises (grunting, panting, whistling, barking, etc.).
 - B. Offensive sexual, racial, or religious comments.
 - C. Offensive reference to or naming of body parts with nicknames.
 - D. Sexual rumors, innuendos, or inquiring about a person's sexual activity.
 - E. Any visual harassment that may accompany (or stand-alone) from verbal harassment, including staring at body parts, use of crude notes or gestures, or sexually implicit pictures.

- F. Pestering for a date or personal information/failing to take "no" for an answer.

II. Making Complaints and Reporting Violations.

- a. Personnel who believe they are a victim of harassment are requested and encouraged to make a complaint to any manager or supervisor to whom they may feel comfortable making the complaint. All personnel are encouraged to report any incident or conduct that is perceived as being in violation of this Policy. Reporting may be verbal or written. The Harassment Complaint form is available in the schedule room.
- b. You are not required to first complain to the person who engaged in that conduct, although telling the person engaged in the conduct that their behavior is not welcome or asking them to stop the behavior is a good idea.
- c. Personnel who observe harassment of another staff member are requested and encouraged to report this observation. No reprisal, retaliation, or other adverse action will be taken against any member or employee for making, in good faith, a complaint or report of harassment, or for assisting in good faith in the investigation of any such complaint or report. Any suspected retaliation or intimidation should be reported immediately to any supervisor or manager. For whatever reason the employee that the persons named in this policy are suitable, please report the incidents to the EMS Director (318-259-2877, emsdirector@jpasd.com) or the Board Chairman (boardmember201@gmail.com)
- d. JPASD will promptly, thoroughly, and impartially investigate any complaint or report of a violation of this Policy. Additionally:
 - 1. JPASD will protect the confidentiality of information involving individuals involved in harassment allegations to the greatest extent possible. Such information may be shared with those who have a need to know, such as key management personnel and other essential persons involved in the investigation.
 - 2. Investigations will include interviews of persons believed to be involved, or with potential knowledge of the event, and shall include a full report on each investigation, retaining the confidentiality of all such persons involved where possible.
 - 3. Both parties are mandated to participate in the investigation. The complainant may pursue a state or federal claim regardless of the outcome of the investigation.

III. Penalties for Violations.

- a. JPASD will take prompt remedial and possibly disciplinary action if the investigation shows a violation of this Policy. Disciplinary action for career personnel may include verbal or written warning, suspension, or termination from employment. Disciplinary action for volunteer members will be made at the discretion of JPASD, in accordance with the bylaws and may include verbal or written warning, suspension, or expulsion from membership.
- b. A complaint or report that this Policy has been violated is a serious matter. Dishonest complaints or reports not made in good faith are also against this Policy, and appropriate disciplinary action will be taken if the investigation shows that deliberately dishonest and bad faith accusations have been made against another staff member.

IV. No Reprisals.

- a. Persons who report a suspected instance of unlawful harassment or discrimination shall not be subject to reprisals, retaliation, retribution or other negative treatment.

- b. Any person who retaliates against a good faith reporter will be subject to discipline.
- V. **Equal Employment Opportunity Commission (EEOC)**
- a. 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.
- b. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.
- c. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.
- d. 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).
- e. The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.
- f. Additional resources and guidance are available on the links on the EEOC's website at: https://www.eeoc.gov/laws/types/sexual_harassment.cfm

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 public employment.
- JPASD 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.
- The education and training may be received either in person or via the internet through training and education materials approved by the public servant's agency.
- JPASD 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.
- 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.

Mandatory Reports – R.S. 42:344

JPASD shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance, 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.