

**CITY OF DEQUINCY**  
**SEXUAL HARRASSMENT POLICY**

- (1) Sexual harassment of or by an employee is prohibited.
- (2) Per federal Equal Employment Opportunity Commission guideline, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:
  - (a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
  - (b) submission to or rejection of such conduct by an individual is used as a basis for employment decision affecting such individual; or
  - (c) 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.
- (3)
  - (a) Complaints of sexual harassment may be directed to the appropriate department head, or in writing, to the mayor. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be made within one year after the occurrence of the alleged prohibited conduct.
  - (b) All complaints of sexual harassment, and information and proceedings relating thereon, shall be kept in strict confidence except as otherwise specified herein.
- (4)
  - (a) The department head or Mayor shall, in a timely manner, conduct an investigation of the complaint, interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate employee.
  - (b) If the department head deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.
  - (c) Both the complainant and the persons, against whom the complaint is made, may have counsel present at any interview or other proceeding.

- (5) (a) Upon conclusion of the investigation, and within 180 days after the complaint was brought, the department head shall make a written recommendation to the mayor, which shall be one of the following:
- (1) A recommendation of a finding that no prohibited conduct has occurred; or
  - (2) A recommendation that material facts in dispute be resolved by conducting a formal hearing; or
  - (3) A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.
- (b) Copies of the department heads' written recommendation shall be provided to the complainant and to the party against whom the complaint was made.
- (6) The mayor may, but need not, adopt the department head's recommendation. The mayor may adopt the department head's recommendation of a finding that prohibited conduct has occurred and proceed under Paragraph (9) of this subsection. The mayor may adopt the department head's recommendation of finding no cause and issue a written determination dismissing the complaint.
- (7) Upon adoption of the department head's recommendation to conduct a formal hearing, or upon written request of a party accompanied by a showing of material facts in dispute, the mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide fair opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between the parties, and shall not be bound by statutory provisions or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.
- (8) The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, if any; any written statement produced during the investigation; the recommendation of the department head, if a formal hearing is conducted, a record thereon in a form determined by the Mayor; the Mayor's statement of findings of fact and conclusions of law; and the Mayor's written determination. Such record shall be available to either party or the designee thereof.
- (9) *Remedies* – If the Mayor determines that prohibited conduct has occurred, the mayor shall order one or more of the following remedies:
- (a) An apology by the offender.

- (b) Direct the offender to stop the offensive behavior.
- (c) Require the offender to undergo counseling or training.
- (d) Oral censure of the offender.
- (e) Written Censure of the offender, to be included in the offender's personnel file.
- (f) Transfer, suspension, with or without pay, or discharge of the offender, or any other action, which may be appropriate under the circumstances.

- (10) If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the mayor.
- (11) State and federal law provide administrative and judicial remedies, which may be pursued by filing a complaint with the La. Commission of Human rights and the Federal Equal Employment Opportunity Commission. A civil action may be filed in District Court. However, it is recommended, but not legally required, that the complainant first use the grievance procedure established herein.
- (12) No employee shall be subject to retaliation in any form as a result of bringing a complaint or testifying or assisting in a grievance brought pursuant to this procedure. A complaint of such retaliation should be directed to the appropriate department head or in writing to the mayor.
- (13) No employee shall make an intentionally false complaint.