

**SENATE FULL-TIME STAFF
POLICY & PROCEDURE MANUAL
SEXUAL HARASSMENT**

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2.06 Sexual Harassment Training

- A. The Senate shall provide in-service education and training on sexual harassment to each member, employee and legislative assistant in compliance with law.
- B. The Human Resource Director is designated to provide all members, employees, and legislative assistants information and instruction on sexual harassment training and shall maintain records of compliance.

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CHAPTER 7 - COMPLAINTS AND GRIEVANCES

7.01. Definitions

As used in this Chapter:

- (1) "Senate officer" means the Secretary of the Senate and the Senate sergeant at arms.
- (2) "Senator" means a member of the Senate and includes Senator-elect.

7.02 Grievance

As stated in the Senate Rule 18.2, the Senate "is committed to creating and maintaining a work environment in which all members of the Senate, officers of the Senate, and employees are treated with respect and the individual dignity which they are due". Further, each employee is to be treated fairly and equitably. Every effort shall be made to resolve issues professionally and through effective lines of communication. The grievance procedure shall be used for any claim, concern, or complaint by an employee who feels that he/she has been treated unfairly, inequitably or in a manner which is arbitrary, unjust or unreasonable; or

there exists a condition, situation, or circumstance which jeopardizes the health or safety of the employee or otherwise adversely affects the welfare or interest of the employee. Except as provided in Section 7.03, the following procedures provide methods to resolve concerns that are not settled through normal communications:

(1) Informal Discussions

An employee shall attempt first to achieve a solution through informal discussions with the employee's supervisor. The supervisor shall attempt to resolve the grievance. Throughout this procedure, the process is informal.

(2) Formal Grievance

If an employee determines that the informal discussion did not resolve the issue satisfactorily, the employee may file a formal grievance using the Senate Grievance Form with the Chief of Staff within fifteen (15) working days of the occurrence. The written grievance must set forth fully the problem as perceived and state the remedy requested. The Chief of Staff will meet with the employee and the employee's supervisor to resolve the grievance within fifteen (15) working days of receipt of the grievance. The President shall be notified of all formal grievances filed.

7.03 Discrimination and Harassment

- A. The Senate is committed to creating and maintaining a work environment in which Senators, Senate officers, and Senate employees, including legislative assistants, are free from discrimination and harassment based on race, sex, gender, religion, national origin, color, disability, ethnicity, genetic information, or age. To this end, such discrimination or harassment by or toward a Senator, Senate officer, or Senate employee is prohibited and will not be tolerated.
- B. "Discrimination" occurs when an action or decision regarding the employment of an individual is based upon race, sex, gender, religion, national origin, color, disability, or age.
- B. "Harassment" includes, but is not limited to, a communication or action containing a comment, slur, joke, innuendo, cartoon, prank, request for favor or other verbal or physical conduct of a nature related to an individual's race,

sex, religion , color, national origin, disability, ethnicity, genetic information, or age.

7.04 Sexual Harassment

- A. As provided in Senate Rule 18.2, the Senate is committed to creating and maintaining a work environment in which all members of the Senate, officers of the Senate, and employees are free from sexual harassment. Sexual harassment by or toward a member of the Senate, officers of the Senate, or employees of the Senate is prohibited and will not be tolerated.

Equal Employment Opportunity Commission guidelines define "sexual harassment" as any unwelcome (1) sexual advance; (2) request for sexual favor; and (3) other verbal and physical contact of a sexual nature when either:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of employment.
- (2) Submission to or rejection of such conduct is used as the basis of employment decisions affecting the individual.
- (3) Such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Specifically, the following is prohibited: 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 the individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Other inappropriate conduct includes, but is not limited to the following: comments about an individual's body; sexually degrading words to describe an individual; sexual propositions; making suggestive or insulting noises, intentionally touching, pinching or brushing the body; assault; and sexually suggestive books, magazines, photographs, cartoons or pictures.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- (1) The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
 - (2) The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a coworker, or a non-employee.
 - (3) The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- C. Sexual harassment is a form of sex discrimination under federal law (Section 703 of Title VII of the Civil Rights Act of 1964, as amended).
- D. Sexual harassment prevention is found in state law at the Louisiana Employment Discrimination Law (R.S. 23:301-303 and 332) and R.S. 42:341-345.

7.05 Complaint Procedure

A. Complaints

- (1) A complaint of alleged discrimination or harassment shall be filed with the Human Resource Director, the employee's supervisor, or the Chief of Staff using the Senate Discrimination Complaint Form which may be obtained from Human Resource Services. The Human Resource Director will immediately notify the President and the Chief of Staff in writing of the complaint.
- (2) A complaint should be made within 30 days after last occurrence of alleged conduct. However, any investigation of the complaint may include inquiry into events occurring prior to the last complained conduct.

B. Investigation

- (1) The Human Resource Director shall take immediate and appropriate action to investigate the complaint, including interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate Senate staff. Further, at any point in the investigation of a complaint, the Human Resource Director may make recommendations to the Chief of Staff or President to ensure that the alleged conduct does not continue.
- (2) All Senate employees shall cooperate in the investigation of a complaint.

C. Written Report

- (1) Upon conclusion of the investigation, and within 30 days after the complaint is filed, the Human Resource Director shall provide a written report of the actions taken on the complaint and findings, including a determination as to whether discrimination or harassment has occurred (if such determination is possible) to the President and the Chief of Staff. The President will determine what action to take and will provide a written response to the employee.
- (2) The Human Resource Director shall provide copies of the written report to the complainant and the party against whom the complaint was made.

D. Confidentiality

All complaints, information relating to complaints, and any investigation of complaints, shall be kept confidential except as may be necessary to investigate the complaint and to make decisions as a result of the complaint.

E. Equal Employment Opportunity Commission

Each employee retains the right to file a complaint of discrimination with the Equal Employment Opportunity Commission.

7.06 False Statements Prohibited

Making an intentionally false statement in a grievance, complaint, or in any investigation of a grievance or complaint is prohibited.

7.07 Retaliation Prohibited

Retaliation or discrimination against an individual who files a grievance or complaint or who testifies, or otherwise participates in an investigation or other proceeding is prohibited. Any employee who believes that he or she has been retaliated or discriminated against because of filing a grievance or complaint or because of testifying or otherwise participating in an investigation may file a grievance as provided in Section 7.02.