

CPD # 152	GENERAL ORDERS CHAPTER: Administration SUBJECT: Unlawful or Sexual Harassment In The Workplace	CARENCRO CITY POLICE DEPARTMENT
RELATED CALEA 26.1.3		
RELATED LOUISIANA CODE _		

PURPOSE: The purpose of this policy is to provide a workplace free of unlawful or sexual harassment, to define and forbid certain conduct that is unlawful or sexual harassment, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means of reporting and resolving complaints of unlawful or sexual harassment and of condoning unlawful or sexual harassment.

Through this policy and the mandatory associated training required for all employees, the Carencro City Police Department seeks to:

- A.) Unequivocally state intolerance for sexually inappropriate behavior
- B.) Identify the scope of such prohibited behavior
- C.) Establish an effective, uniform reporting and investigative process
- D.) Require prompt action to protect against recurrence of the prohibited behavior
- E.) Ensure resolution that imposes appropriate corrective action
- F.) Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- G.) Respect confidentiality and the privacy rights of employees

SCOPE: This order will apply to all employees of the Carencro City Police Department.

DISCUSSION: It is important that the workplace be free of actions that create a hostile and threatening environment. It is important that all supervisors and employees understand what constitutes unlawful or sexual harassment and make sure that they control their own behavior in the workplace so that they do not purposely or inadvertently harm others. In accordance with Louisiana Revised Statutes 42:341 through 345, enacted by ACT 270 of the 2018 Regular Session of the Louisiana Legislature, the Carencro City Police Department has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting such conduct. Employees should realize that the behavior proscribed by this policy includes words and conduct that are inappropriate, offensive or create a hostile working environment. As such, any behavior of a sexual nature or connotation which negatively impacts the workforce is prohibited even though such behavior may not constitute actionable sexual harassment as defined by law.

POLICY: It is the policy of the Carencro City Police Department to prohibit unlawful and/or sexual harassment by employees, supervisors, and managers. Any employee, supervisor, or manager who engages in, or who perpetuates or condones unlawful and/or sexual harassment while pursuing a department activity, through department employment, or using Police Department authority shall be subject to disciplinary action up to and including discharge.

PROCEDURE:

I. Prohibited Actions

- A. Setting any conditions of an employee's job or making any employment decisions based upon sexual favors will result in the immediate discharge of the involved supervisor or manager.
- B. Direct reprisal or retaliation, or the encouragement of others to engage in retaliation or reprisal is forbidden against any person who:

- 1. Oppose any conduct prohibited by this policy;
- 2. Files a complaint concerning any violation of this policy;
- 3. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; and/or;
- 4. Exercises or attempts to exercise any right conferred under this policy.

II. Definitions

- A. Employee – any individual employed by the Carencro City Police Department on a full time, part time, temporary or regular basis.
- B. Sexual Harassment – The unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, physical, or visual conduct of a sexual nature when:
 - 1. Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment;
 - 2. Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee; or
 - 3. Such conduct or communication has the potential to affect an employee's work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment.
- C. Unlawful Harassment – Conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

III. Prohibited Conduct

Sexually inappropriate behavior proscribed by this policy can take many forms, including unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Such inappropriate behavior may be by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, contractor, client or visitor to the Carencro City Police Department. Finally, an employee may be the victim of inappropriate behavior even though not the target of such behavior. Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature wherein :

- A) Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- B) Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts, training opportunities, or any other condition of employment or career development); 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 work environment.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. Examples include, but are not limited to, the following:

- A) Unwelcomed sexual flirtations, advances or propositions;
- B) Unwelcomed request for sexual favors;
- C) Unwelcomed sexual teasing, jokes, remarks, insults, innuendo or inquiries;
- D) Unwelcomed physical contact (i.e. touching, rubbing, leaning over, pinching, invading another's space by leaning over, purposefully cornering, or blocking passage);
- E) Unwelcomed sexual looks or gestures;
- F) Verbal, written or physical abuse of a sexual nature;
- G) Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
- H) Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.);
- I) Sexually insulting noises;
- J) Using crude and offensive language;
- K) Discussing sexual activities, or exploits;
- L) Inappropriate commenting on a person's attributes; and/or
- M) Displaying sexually suggestive objects, statements, graffiti, books, magazines,

photographs, cartoons or pictures.

N) Unwelcomed repeated requests for dates or social engagement

NOTE: Employees must be reminded that the verbal and physical behavior proscribed by this policy is always inappropriate in the workplace and hence, violates departmental policy, although such behavior may not be actionable in a court of law as a civil action for sexual harassment. The Carencro City Police Department prohibits all sexually inappropriate behavior, regardless of severity, pervasiveness, or identifiable impact.

IV. Responsibility

A. All Supervisors are responsible for insuring that the workplace is free of sexually and/or unlawfully harassing conduct/behavior by their employees. They have a responsibility to act promptly and affirmatively when they observe behavior that violates this policy, and/or when they receive complaints of unlawful and/or sexual harassment.

B. All employees of the Carencro City Police Department are expected to avoid any behavior or conduct toward any other employee that could be interpreted as unlawful and/or sexual harassment.

V. Complaint Procedure

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. The Carencro City Police Department does not require a fixed reporting time or deadline however the sooner the better is preferred and immediate reporting is ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide detailed information. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text) and need not utilize a specific form.

A. All employees have the right to file a complaint concerning unlawful and/or sexual harassment. However, an employee may attempt to immediately resolve the harassing behavior by expressing his/her discomfort with the behavior to the offender in a constructive manner.

B. If the employee feels that the above step is not appropriate, or the first step fails to resolve the situation, the employee may file a written complaint with any one of the following:

1. Immediate supervisor.
2. If the immediate supervisor is the accused, then the individual will go to the next higher supervisor in the chain of command.
3. Chief Of Police.

C. If the harassing behavior is being committed by the Chief, the employee should contact the Mayor of the City of Carencro for an investigation of the alleged unlawful behavior.

VI. Investigative Procedure

- A. Any person receiving a complaint of unlawful and/or sexual harassment shall immediately notify the Chief of Police.
- B. The Chief or his designee shall expediently conduct an administrative investigation into all complaints of unlawful and/or sexual harassment.
- C. Supervisors shall make available any employee for interviews and present any documents required by the investigator. All employees must cooperate with any such investigation.
- D. Any person who knowingly gives false, misleading statements, and/or is deliberately untrue during the course of an administrative investigation shall be subject to disciplinary action up to and including discharge.

VII. COMPLAINT RESOLUTION

- A) Any employee found, after appropriate investigation, to have engaged in sexually inappropriate behavior will be disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reduction in pay or termination.
- B) In addition to corrective action, including follow-up inquiries and re-training, other appropriate measures will be utilized to ensure that the inappropriate behavior does not recur.
- C) Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome or completion of the Carencro City Police Department's administrative investigation.

VIII. NON-RETALIATION

- A) Any employee making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.
- B) If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process appropriate, severe disciplinary action will be taken, including the possibility of termination.

X. TRAINING

The Carencro City Police Department recognizes that implementation of a policy prohibiting sexually inappropriate behavior in the workplace alone is insufficient to prevent and address such behavior. To support this policy and encourage a culture where

employees willingly report concerns, the Carencro City Police Department requires all employees to successfully complete training on this topic upon hire and on a continuing basis thereafter. At a minimum, the Carencro City Police Department requires the following training for its employees: POST approved training identified on the Louisiana POST training site as Preventing Sexual Harassment with the training completed upon 30 days of hire and annually by February or at the time POST releases the new training for the year.

XI. STATE AND FEDERAL LAWS

- (A) In accordance with Louisiana Revised Statute 42:344 enacted by ACT 270 of the 2018 Regular Session of the Louisiana Legislature, §344 Mandatory reports, the City Manager shall compile an annual report by February first of each year containing information from the previous calendar year regarding the City of Carencro's compliance with the requirements of this Chapter 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. These reports shall be public record and available to the public in the manner provided by the Public Records Law.
- (B) This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior.

For more information or to initiate a claim under federal or state law, employees are referred to the EEOC and the LCHR:

EEOC
800-669-4000 (voice)
504-589-2958 (TDD)
504-595-2844 (fax)
<https://www.eeoc.gov>

LCHR
225-342-6969 (voice)
888-241-0859 (TDD)
225-342-2063 (fax)
<http://gov/page/lchr>

XII. VIOLATIONS

Any employee, regardless of rank or status, found to have violated the prohibitions of this policy will be subject to disciplinary action, up to and including termination. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- A.) Failure to comply with mandatory training requirements
- B.) Failure by a supervisor or manager to timely report a complaint of sexually inappropriate behavior
- C.) Failure to participate in or cooperate with the investigative process
- D.) Providing false information or withholding information during questioning
- E.) Filing a false, malicious, or frivolous complaint
- F.) Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

Any employee, regardless of rank or status, who intentionally fails to properly and timely report sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination.

Any employee found to have intentionally or maliciously falsely accused another of sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination. This prohibition is not intended to discourage employees from filing good faith complaints of behavior proscribed by this policy.

XIII. QUESTIONS/COMMENTS

This policy shall remain available to employees for review at all times on the Carencro City Police Department server's "S" Drive General Orders file. Notices related to workplace harassment and discrimination are posted at Carencro City Police Department work locations. Questions or comments concerning sexual harassment, sexually inappropriate behavior or the interpretation or enforcement of this policy should be addressed to the Chief of Police. To the extent possible, such inquiries will be maintained in strict confidence. Employees are reminded that complaints will be appropriately investigated notwithstanding the employee's request that no action be taken or that the investigative process be delayed.

CITY OF CARENCRO
CPD # 152: Unlawful or Sexual Harassment In The Workplace
EMPLOYEE ACKNOWLEDGMENT

My signature hereon acknowledges that:

- 1) I have received a copy of CPD # 152: Unlawful or Sexual Harassment In The Workplace;
- 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 (PRINTED)

DATE

David Anderson, Chief of Police

