



## DEPARTMENT OF THE TREASURY

### POLICY & PROCEDURE MEMORANDUM #11

**EFFECTIVE DATE:** January 1, 2000; March 11, 2003; (Revised May 23, 2018)

**SUBJECT:** Sexual Harassment

**AUTHORIZATION:** John Schroder *J.S.*  
State Treasurer

#### I. POLICY:

The Department of Treasury is committed to providing a safe and professional work environment for all employees free of harassment and discrimination of any kind including sexual harassment. The Department of Treasury will operate a **zero tolerance policy for any form of sexual harassment in the workplace**. All complaints of sexual harassment will be fully and completely investigated. In instances in which a determination is made that this sexual harassment policy has been violated, disciplinary actions may be taken up to and including termination of employment.

Prevention and elimination of sexually inappropriate behavior involves the commitment of every Department of Treasury employee. It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to the Human Resources Director or a supervisor/manager as soon as possible. Unless and until management is made aware of its occurrences corrective actions cannot be taken to remediate or prevent the prohibited conduct from continuing.

The Department of Treasury prohibits retaliation of any kind against anyone who has reported concerns about sexual harassment or discrimination whether the employee is a victim of the sexual harassment or has witnessed sexual harassment against another person.

#### II. PURPOSE:

The Department of the Treasury, in accordance with state and federal regulations is committed to foster a work environment free from sexual harassment. The Department of Treasury through this policy seeks to identify the broad scope of prohibited activity and establish a uniform process for reporting and investigating sexual harassment within the Department. Through enforcement of this policy and by education of employees, the Department will seek to prevent, correct and discipline behavior that violates this policy.

#### III. APPLICABILITY:

This policy applies to all Department of Treasury employees regardless of position, status or authority. This includes classified and unclassified employees, full-time, part time and temporary employees. The prohibitions of this policy are equally applicable to executive management, directors, managers, supervisors and staff.

This policy also applies to non-employees, including visitors and individuals who conduct business with the Department of Treasury such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behaviors prohibited in this policy and are protected from experiencing such behavior by Treasury employees.

This policy applies not only to the customary workplace and to work locations where Treasury employees may be assigned, but also prohibits such behavior while traveling for work, while attending conference or off-site meetings, workshops, training, business trips, and business related social events. In addition, this policy applies to off-duty, off-premises behaviors that have an impact on and a relation back to the workplace.

#### **IV. RESPONSIBILITY:**

##### **State Treasurer (or designee) is responsible for:**

Holding Division Directors, Managers, Supervisors, employees and non-employees to adhere to all aspects of this policy.

##### **Division Directors and Supervisors are responsible for:**

Assuring each employee under his/her supervision, existing and new, is made aware of the Sexual Harassment policy, as well as any future revisions. They must:

- Take all complaints or concerns of alleged or possible harassment or discrimination seriously no matter how minor or who is involved;
- Ensure that harassment or inappropriate sexually oriented conduct is immediately reported to Human Resources so that a prompt investigation can occur;
- Take any appropriate action to prevent retaliation or prohibited conduct from recurring during and after any investigation or complaints.

Division Directors and supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to Human Resources, are in violation of this policy and subject to discipline.

##### **Employees are responsible for:**

- Adhering to all aspects of this policy. Anyone who is subject to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome. The Treasury Department recognizes that sexual harassment may occur in unequal relationships (i.e. between a supervisor and his/her employee) and that it may not be possible for the victim to inform the alleged harasser.
- It is important to report all concerns of sexual harassment or inappropriate sexual conduct to the Human Resources Director or supervisor as soon as possible. Management must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate and prevent the prohibited conduct from continuing.

## **Human Resources is responsible for:**

- Ensuring that both the individual filing the complaint (hereafter referred to as the “complainant”) and the accused individual are aware of the seriousness of a sexual harassment complaint;
- Explaining the Department of Treasury Sexual Harassment policy and investigation procedures to the complainant and the accused
- Notifying the police if criminal activities are alleged;
- Arranging for an investigation of that alleged harassment and the preparation of a written report;
- Submitting a written report summarizing the results of the investigation and making recommendations to designated department officials;
- Notifying the complainant and the accused of the corrective actions to be taken, if any, and administering those actions.

## **V. TRAINING:**

- Upon hire, all new employees will be provided a copy and instructed to carefully review this policy. The employee is required to sign the attached Acknowledgement form to verify that they have received, reviewed and understand the policy;
- Within thirty (30) days of hire, all new employees are required to complete the latest Comprehensive Public Training Program’s (CPTP) Preventing Sexual Harassment course;
- All employees on an annual basis, thereafter, are required to complete the CPTP’s most recent training on sexual harassment. Completion of the training will be documented through CPTP.
- Within thirty (30) days of attaining a supervisory position, all new supervisors are required to complete the most recent training on sexual harassment designed for management personnel. This training emphasizes identifying, preventing, and responding to sexually inappropriate behavior. Completion of the training will be documented through CPTP.

## **VI. PROHIBITED CONDUCT:**

Sexual harassment is a form of unlawful employment discrimination under Title VII of the Civil Rights Act of 1964 and Louisiana Revised Statue 23:332. Sexual harassment is defined as any unsolicited and/or unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct explicitly or implicitly affects an individual’s, employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile or offensive working environment.

There are two types of sexual harassment:

Quid pro quo means “this for that”. It involves expressed or implied demands for sexual favors in exchange for some benefit (e.g. a promotion, pay increase) or to avoid some detriment (e.g. termination, demotion) in the workplace. Quid pro quo harassment is usually perpetrated by someone who is in a position of power or authority over another (e.g. manager or supervisor over a subordinate). For example,

this might be a supervisor promising an employee a pay raise if he/she goes on a date with him; a manager telling an employee he or she will be fired if sexual demands are not met.

Hostile work environment is the type of sexual harassment that occurs when speech or conduct is so severe and pervasive that it creates an intimidating or demeaning environment or situation that negatively affects a person's job performance. This type of harassment can be perpetrated by anyone in the work environment, including a peer, supervisors, subordinate, vendor or customers. It can also occur when there is other verbal or physical conduct of a sexual nature. Examples of this conduct that might create a hostile work environment include inappropriate touching, sexual jokes or comments repeated request for dates and a work environment where offensive pictures are displayed.

Consistent with this definition, it is considered sexual harassment for any supervisor or employee to use implicit or explicit sexual behavior that affects the work environment, job or performance of any employee. Examples of conduct or behavior that constitute sexual harassment include, but are not limited to, the following:

**Physical conduct**

- Unwelcome physical contact including patting, pinching, stroking, kissing, hugging, fondling, or inappropriate touching
- Physical violence, including sexual assault

**Verbal conduct**

- Unwelcome comments on a worker's appearance, age, private life, etc.
- Unwelcome sexual comments, stories and jokes
- Unwelcome sexual flirtations, advances or propositions.
- Repeated and unwanted social invitations for dates or physical intimacy
- The use of job-related threats or rewards to solicit sexual favors
- Insults based on the sex of the worker
- Condescending or paternalistic remarks
- Sending sexually explicit messages (by phone or by email)
- Discussing sexual activities or exploits

**Non-verbal conduct**

- Display of sexually explicit or suggestive material
- Sexually-suggestive gestures
- Whistling
- Leering

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

## VII. POSTINGS:

This policy is available for review by all employees at all times on the Treasury website at <https://www.treasury.state.la.us/document-library/> and Treasury's P: Drive under Treasury Protected Policies in PDF format.

## VIII. REPORTING PROCEDURE:

Early reporting of sexually inappropriate behavior enhances the ability to facilitate the investigative process. **Any employee experiencing, witnessing or having knowledge, directly or indirectly of sexual harassment by anyone at the Department of Treasury, including a director, supervisor, co-worker, vendor, or visitor, shall immediately report the inappropriate conduct.** The Department of Treasury does not require a fixed reporting time or deadline – the sooner the better is preferred and immediate reporting is ideal.

Any such complaint may be made verbally or in writing. The report can be made to the employee's direct supervisor. However, if the complaint involves the supervisor, or for any other reason, and the employee prefers not to involve the supervisor, the report can be made to any supervisor, manager or directly contact:

Human Resources Director  
Department of Treasury  
3rd Floor State Capitol  
P.O. Box 44154  
Baton Rouge, LA 70804  
225 342-0030 (voice)

## IX. INVESTIGATION OF COMPLAINT:

- A. All reports of sexual harassment will immediately be reported to the Human Resources Director who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint.
- B. The Department of Treasury will investigate all complaints. "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.
- C. An assessment of the information provided will be done to determine whether action should be taken to prevent further occurrences of the offensive behavior or to preserve the integrity of the investigation. For example it may be appropriate to authorize leave or temporarily reassign personnel.
- D. The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records and other documentation will be reviewed.

- E. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
- F. All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses to all questions.
- G. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
- H. To the extent allowed by law, the investigative process will also be conducted in a confidential manner, with only those in a need-to-know position involved. Employees who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.

**X. COMPLAINT RESOLUTION:**

Upon conclusion of the internal investigation, the complainant and accused will be apprised of the outcome of Department of Treasury investigative process.

Given the behaviors prohibited by this policy, the resolution decided upon by management will be determined by a number of factors. The nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed. Complainants can be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to corrective action. This may include counseling, reprimand, and suspension, reduction in pay, demotion, or termination of employment. In conjunction with such corrective actions, other appropriate measures, including additional training, relocation, reassignment, job restructuring, etc., may be utilized to protect against the recurrence of the inappropriate behavior.

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 nor completion of Department of Treasury's investigation. To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office  
 Hale Boggs Federal Building  
 500 Poydras Street, Suite 809  
 New Orleans, LA 70130  
 800-669-4000 (Voice)  
 504-589-2958 (TDD)  
 504-595-2844 (Fax)  
<https://www.eeoc.gov/>

LCHR  
 1001 N. 23<sup>rd</sup> Street, Suite 268  
 Post Office Box 94094  
 Baton Rouge, LA 70804  
 225-342-6969 (Voice)  
 888-241-0859 (TDD)  
 225-342-2063 (Fax)  
<http://gov.louisiana.gov/page/lchr>

**XI. NON-RETALIATION AND FOLLOW-UP:**

The Department of Treasury maintains an affirmative duty to protect its employees from

harassment, reprisal or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior as well as individuals providing information or participating in the investigative process. Employees can be assured that if a complaint is made and an investigation reveals that harassment, retaliation or reprisal has occurred, severe disciplinary action will be imposed, including the possibility of termination

**XII. VIOLATIONS:**

Any employee, regardless of rank or status, who fails to comply with any aspects of this policy may result in 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.

**XI. EXECPTIONS:**

**NONE**

**XIII. QUESTIONS:**

Questions, or comments regarding this policy should be directed to Department of Treasury's Human Resources Director.



**DEPARTMENT OF THE TREASURY**

**SEXUAL HARRASSMENT**

**EMPLOYEE ACKNOWLEDGMENT**

My signature hereon acknowledges that:

- 1) I have received a copy of the Department of the Treasury's PPM 11 Sexual Harassment Policy;
- 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.

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**DATE**

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**EMPLOYEE (Signature)**

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**EMPLOYEE (Printed Name)**