

Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners

Sexual Harassment Policy

STATEMENT OF POLICY

It is the policy of the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners (“the Board”) that its work environment is one in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which prohibits discriminatory practices. Sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

Definition of Sexual Harassment

Sexual Harassment is defined as unwelcome or unwanted advances, requests for sexual favors, and any other verbal, visual, inappropriate, or physical conduct of a sexual nature when:

- 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment, or explicitly or implicitly affects an individual’s employment or the holding of office; or
- 2) this conduct substantially interferes with an individual’s employment or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct constituting sexual harassment may include, but are not limited to:

- unwanted sexual advances;
- demands for sexual favors in exchange for favorable treatment or continued employment;
- threats and demands to submit to sexual requests in order to obtain or retain any employment benefit;
- verbal conduct such as epithets, derogatory or obscene comments, slurs of sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature;
- graphic, verbal commentary about an individual’s body, sexual prowess or sexual deficiencies;
- flirtations, advances, leering, whistling, touching, pinching, assault, coerced sexual acts, blocking normal movements;
- visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings, or gestures or other displays in the work place of sexually suggestive objects or pictures;

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- conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- retaliation for having reported or threatened to report or file a complaint of sexual harassment
- retaliation for cooperating with, participating in, or testifying in an investigation or proceeding involving a complaint or report of sexual harassment.

This behavior is unacceptable in the workplace itself and in other work-related settings, such as business trips, and business-related social events. In evaluating behavior, the standard to be applied is that of a reasonable victim of the same gender as the victim.

Sexual harassment is prohibited under federal law under Title VII of the Civil Rights Act of 1964. It is also prohibited under the Louisiana Employment Discrimination Act. Violations can result in administrative enforcement action and /or liability in a civil lawsuit.

Individuals Covered Under the Policy

This policy covers all individuals on the Board and all employees or others in the workplace. The Board will not tolerate, condone or allow sexual harassment, whether engaged in by employees, or Board members, or by outside persons, contractors, guests, or other non-employees who conduct business with the Board. The Board encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, or of the offender's relationship to the Board.

Process for Reporting and Resolving Complaints

1. Reporting a Complaint

While the Board encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the Board also recognizes that power and status disparities between an alleged harasser and a target or other circumstances may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint.

Individuals who believe they have been subjected to harassment should report the incident to a Board member or to the Board's counsel. If an individual chooses to report the complaint to a Board Member or the Board's counsel, and the complaint is successfully resolved informally to the satisfaction of the complainant, the Board's counsel or the Board member shall prepare and retain a confidential report about the complaint and resolution so that the Board will be aware of any pattern of harassment by a particular individual and will also be aware of and be in a position to eliminate all complaints of harassment in the Board's work environment. If the Board member or counsel does not successfully resolve the complaint informally, a written report must be made to the Board's Chairperson within one week. If the Board's Chairperson is the subject of the complaint, the report shall be made to the Board's counsel.

2. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment.

While the initial report of harassment may be verbal, such reports must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and must be signed by the complainant. Individuals who believe that they have been or are currently being harassed, should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations. However, in the event that a lawsuit develops from the reported incident, the complainant's written notes might not be considered privileged or confidential information.

3. Time Frame for Reporting Complaint

Prompt reporting of complaints so that rapid response and appropriate action may be taken is encouraged. This policy not only aids the complainant, but also helps to maintain an environment free from discrimination for all.

Investigating the Complaint

Any allegation of will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. Complaints will be investigated and resolved by the Board and the Board's counsel as the circumstances may dictate. A Board member or counsel who is the subject of the complaint shall not be a part of the committee designated to investigate the complaint.

Resolving the Complaint

The investigation of a sexual harassment complaint will be conducted and the findings and intended action will be communicated to the complainant and the subject of the complaint as expeditiously as possible.

If it is determined that harassment occurred, the harasser will be subject to appropriate disciplinary procedures. If it is determined that no harassment has occurred, this finding will be communicated to the complainant and the alleged harasser in an appropriately sensitive manner.

If it is determined that a conclusion cannot be reached as to whether or not harassment has occurred, this finding will be communicated to the complainant and to the alleged harasser in an appropriately sensitive manner, and the matter will be recorded as unresolved.

Sanctions

Individuals found to have engaged in misconduct constituting harassment will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Board. If the harasser is a member of the Board, the matter will be considered by the Board and report made to the Governor and a determination made as to what sanctions may be applied up to and including removal from the Board in accordance with law.

This policy is designed to protect all public servants associated with the Board employees from harassment in any way associated with the workplace or work environment or the Board no matter who the harasser is. Although the Board's ability to discipline a non-employee or Board member harasser

may be limited by the degree of control, if any, that the Board has over the alleged harasser, any Board member or employee who has been subjected to harassment should file a complaint and be assured that action will be taken. Such action may include terminating the relationship with such person, reporting the matter to a person's employer, reporting a public official to an appropriate agency, or any other appropriate action to the Board's public servants.

Maintaining a Written Report of the Complaint

The Board will maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the office of the Board's counsel.

Written records will be maintained for 5 years from the date of the resolution, unless new circumstances dictate that the file should be kept for a longer period of time.

Protection Against Retaliation

The Board will not in any way retaliate against an individual who makes a complaint of harassment or against any participant in the investigation, nor permit any other person to do so to the extent it is within the Board's power to prevent it. Retaliation is a serious violation of this harassment policy and the law and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for offenders above as set forth above.

Formal Legal Proceedings

The procedures above apply to internal complaints of harassment. Different procedures apply after a formal governmental administrative charge or civil lawsuit is filed. If you receive such a charge or complaint, you are directed to deliver it to the Chairperson of the Board and the Board's counsel immediately. All responses to such a formal charge or complaint will be made through the Board's counsel.

RETALIATION AGAINST ANY PERSON WHO FILES A FORMAL CHARGE OR COMPLAINT OF HARASSMENT IS PROHIBITED, AND IS GROUNDS FOR DISCIPLINE UP TO AND INCLUDING TERMINATION.

Training, Notification and Reporting

Training

Each Board employee and all Board Members are required to receive a minimum of one hour of education and training on preventing sexual harassment during each calendar year of employment or term of office.

Each Board member shall receive additional training on investigating and resolving sexual harassment reports and complaints.

The Board's counsel is not required by law to have such training, but it is the policy of the Board that its counsel should also receive the training plus the additional training described in this section.

The Board's Chairperson or his or her designee shall monitor and record compliance of all persons required to undergo training.

Notification

Notification of this sexual harassment policy shall be given to each employee upon beginning employment and to each Board member upon beginning his or her term of office.

This policy shall be posted on the Board's website.

Reporting

The Chairman of the Board or his or her designee shall prepare and maintain as a public record a report annually by February 1 of each calendar year, and submit such report to the Division of Administration by February 15, of each year, which includes:

1. The number and percentage of required persons who have complied with the training requirements of this policy;
2. The number of complaints received during the calendar year;
3. The number of complaints resulting in a finding that sexual harassment occurred;
4. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
5. The amount of time it took to resolve each complaint.

Conclusion

The Board has developed this policy to ensure that its members, employees and others associated with the work of the Board can work in an environment free from harassment. The Board will make every effort to ensure that all personnel are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved.