

LOUISIANA ASSESSORS' ASSOCIATION SEXUAL HARASSMENT IN THE WORKPLACE POLICY

To provide a work environment that fosters mutual respect and working relationships among its employees, colleagues, vendors, clients, etc., it is the policy of the Louisiana Assessors' Association (LAA) to prohibit any form of harassment in the workplace. Employees of LAA are expected to maintain the highest level of dignity, respect, integrity and professionalism on- and off-the-job.

WHAT IS HARASSMENT?

Under the Association's policy, harassment is any form of inappropriate conduct or behavior which has the purpose or effect of:

- Creating an intimidating, hostile, or offensive work environment
- Unreasonably or unjustifiably interfering with a person's work performance
- Unreasonably or unjustifiably affecting a person's employment or employment opportunity

SEXUAL HARASSMENT GUIDANCE - [US Equal Opportunity Commission \(EEOC\)](#)

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

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SEXUAL HARASSMENT DEFINED

Per the EEOC, Title VII does not proscribe all conduct of a sexual nature in the workplace. Thus, it is crucial to clearly define sexual harassment: only unwelcome sexual conduct that is a term or condition of employment constitutes a violation. 29 C.F.R. § 1604.11(a). The EEOC's Guidelines define two types of sexual harassment: "**quid pro quo**" and "**hostile environment**." The Guidelines provide that "unwelcome" sexual conduct constitutes sexual harassment when "submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment," 29 C.F.R § 1604.11 (a) (1). "Quid pro quo harassment" occurs when "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual," 29 C.F.R § 1604.11(a)(2).¹ 29 C.F.R. § 1604.11(a)(3).² The Supreme Court's decision in Vinson established that both types of sexual harassment are actionable under section 703 of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2(a), as forms of sex discrimination.

Based on the above from the EEOC, and by definition, **quid pro quo sexual harassment** occurs in the workplace when a manager or other authority figure offers or merely hints that he or she will give the employee something (a raise or a promotion) in return for that employee's satisfaction of a sexual demand. **Hostile environment sexual harassment** has the effect of unreasonably interfering with a victim's work performance or creating an intimidating, hostile, or offensive working environment that affects the victim's psychological well-being.

LAA SEXUAL HARASSMENT IN THE WORKPLACE POLICY VIOLATIONS

The following examples include, but are not limited to, those acts which would be in violation of the LAA Sexual Harassment in the Workplace Policy:

- Physical assaults of a sexual nature such as rape, sexual battery, molestation or attempts to commit these assaults and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.

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- Unwelcome sexual advances, propositions, or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting or threats of subjecting an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Sexual or discriminatory displays or publications anywhere in the LAA workplace by the LAA employees.
- Retaliation of any nature for sexual harassment complaints.

REPORTING SEXUAL HARASSMENT AT THE LAA

Any complaint of sexual harassment should be filed with the Executive Director. If the complaint is against the Executive Director, the complaint should be reported directly to the LAA President.

If the complainant feels that the sexual harassment complaint was or will not be handled satisfactorily, the complainant has the right to contact the local **Equal Employment Opportunity Commission** - New Orleans District Office at 500 Poydras St., Suite 800, New Orleans, Louisiana. Phone: 1-800-669-4000 or **Louisiana Commission of Human Rights** at 1001 N. 23rd St., Baton Rouge, Louisiana. Phone number is 1-225-342-6969.

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LAA RESPONSE TO/REMEDY FOR SEXUAL HARASSMENT COMPLAINTS

When a report of sexual harassment is reported, the Executive Director or President will request a written statement from the person filing the complaint. The statement shall include:

- Person(s) against whom the complaint is filed
- Specific details regarding the complaint (date, time, location, what was said or done)
- Any witnesses to the incident or any person(s) made aware of the incident
- Supporting material (pictures, photos, text messages, etc.)
- Complainant's response/reaction
- Signature and date of the reporting party.

After the report has been received it will immediately be confidentially investigated. (The ongoing investigation is not to be discussed among LAA employees.)

If the investigation reveals that sexual harassment in the workplace occurred, the responsible person(s) will be handled accordingly. If the responsible party has received Sexual Harassment in the Workplace Training and is aware of the LAA Policy, that person will be disciplined. Discipline can be in the form of a written warning up to, and including, termination.

If the responsible party is found not to be aware of the Policy and/or has not had relative training, detailed discussion of the Policy will be held, training will be ordered immediately, a written warning will be issued, and that person's employee file will be documented accordingly.

The outcome of the investigation will be reported to the person filing the complaint.

Retaliation for filing a report of sexual harassment will not be tolerated at the LAA. If the complainant feels that he/she is being retaliated against because of the report of sexual harassment, such retaliation should be reported immediately.

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LAA SEXUAL HARASSMENT TRAINING FOR EMPLOYEES

Annual mandatory sexual harassment in the workplace training will be required of all LAA employees. The training will be web-based and/or inhouse by a subject matter expert. Record of completion of the training will be maintained at the LAA Office.

REFERENCES:

Lafourche Parish Assessor's Office Sexual Harassment Policy

U.S. Equal Employment Opportunity Commission (EEOC)

www.meriam-webster.com

<https://i-sight.com/resources/quid-pro-quo-sexual-harassment/>