

RIVER PARISHES TRANSIT AUTHORITY (RPTA)

Sexual Harassment Policy

POLICY STATEMENT

The River Parishes Transit Authority is committed to providing an atmosphere that is free from sexual harassment. Conduct prohibited by this policy is unacceptable in the boardroom and in any board-related setting outside the boardroom, such as board trips, board meetings and board-related social events. Engagement by any board member in any form of sexual harassment is strictly prohibited and shall not be tolerated.

The Sexual Harassment Policy will be posted on the Agency's website. All board members will be informed if changes are made to the policy.

DEFINITION & EXAMPLES

Sexual harassment may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, co-worker, other state employees, or a non-employee who has a business relationship with the Department. Sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual,
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment, or
- The behavior persists despite objection by the person to whom the conduct is directed.

Unwelcome actions such as the following are inappropriate and depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment (the following are a few examples and are not all-inclusive):

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Lewd comments about an individual's body;
- Touching or grabbing of a sexual nature;
- Talking about one's sexual activity in front of others;
- Repeatedly cornering, leaning in, or standing too close to or brushing up against a person;

- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

Sexual statements can be made in person, in writing, or electronically, such as email, instant messaging, text messaging, blogs, web pages, social media, etc.

Sexual harassment does not require the intent to offend. Inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.

COMPLAINTS

When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. The Agency is committed to take appropriate action, even if the individual does not wish to file a formal complaint.

Board member responsibilities:

- Board leadership shall ensure that all board members are aware that sexual harassment is strictly prohibited on this board.
- Board members who observe incidents of sexual harassment MUST take immediate corrective action without waiting for a victim complaint.
- Board members who receive a complaint of sexual harassment MUST immediately report the complaint to the Board Chair or Vice Chair.
- Failure to report incidents will be considered a violation of this policy and may result in disciplinary action.
- Board members are responsible for cooperating fully with any investigation of a complaint of sexual harassment.

Information related to complaints and investigations will remain confidential to the fullest extent possible. Board members cooperating in an investigation shall maintain the confidentiality of the investigation to protect the reputations of all involved.

Confidentiality is expected, but total confidentiality may not be guaranteed when investigating a sexual harassment complaint. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. Although confidentiality is expected, the witnesses and others questioned may not maintain total confidentiality. This should not deter

filing complaints of sexual harassment. Confidentiality violations will be handled on a case-by-case basis.

Charges of sexual harassment are serious charges, and board members should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

Complaint Procedures:

- A. If you feel that you have been subjected to sexual harassment or witnessed sexual harassment, you should do the following:
 - a. Continue to report to board meetings;
 - b. Inform the person who has offended you that their actions are inappropriate and should be stopped, if you feel secure in doing so;
 - c. Document the occurrence(s) with very specific facts, including names, dates, times, places, witnesses, etc.; and
 - d. Report the action to the Board Chair, Vice Chair or another board member immediately.
- B. If you have had a sexual harassment complaint reported to you, inform the Board Chair, Vice Chair, or another board member.
- C. Upon receiving a complaint, the Board Chair or Vice Chair will determine the appropriate investigative procedures and will notify the board member that the complaint has been received.
- D. All actions taken in the investigative process shall be documented and kept in the investigative file.
- E. Once the investigation has concluded, the Board Chair or Vice Chair will decide on a course of action. Discipline will be appropriate to the circumstances.
- F. After the complaint has been resolved, the Board Chair or Vice Chair will periodically follow up with the board member(s) who filed the complaint to ensure that there is no continued or new sexual harassment occurring.
- G. If the harassment continues after the initial complaint has been resolved, board members shall contact the Board Chair or Vice Chair immediately.

Provisions:

Sexual harassment violates the Equal Employment Opportunity Commission Guidelines, Section 703 of Title VII of the Civil Rights Act of 1964 as amended, the Louisiana Employment Discrimination Law, and La R.S. 42:341-345.

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 St., Suite 809 New Orleans, Louisiana 70130 800-669-4000 (voice)

504-589-2958 (TDD)

504-595-2844 (Fax)

www.eeoc.gov

LCHR

1001 N. 23rd St., Suite 268 Post Office Box 94094

Baton Rouge, Louisiana 70804 225-342-6969 (voice)

888-241-0859 (TDD)

225-342-2063 (Fax)

<http://gov.louisiana.gov/page/lchr>

MANDATORY TRAINING

All board members are required to complete the "Preventing Sexual Harassment" training by December 31st each year.

The firm responsible for oversight of operating, administrative, and financial aspects of RPTA shall maintain records of compliance for each employee of the agency.

Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination from the board.

REPORTING

Beginning in 2020, an annual report will be compiled by February 1st of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- 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 accordance with the Public Records Law. The reports will also be kept on file for regulatory compliance reviews, including but not limited to federal and state reviews by the Federal Transit Administration (FTA) and the Louisiana Department of Transportation and Development (LaDOTD).

RETALIATION

State Civil Service and the River Parishes Transit Authority requires reporting of all incidents of sexual harassment. No board member who makes a good faith complaint under this policy, or who participates in an investigation of a charge made under this policy or any other proceeding involving a complaint of sexual harassment, shall be adversely affected because of their complaint or participation. Acts of retaliation shall be reported immediately and will be promptly investigated and addressed.

EXCEPTIONS

The Board may grant an exception to any provision of this policy, provided such exception shall not be in conflict with the State of Louisiana Civil Service Rules and Regulations, agency state and/or federal law.

On motion of P. J. Jaxel, seconded by J. Davis the following resolution was offered:

RESOLUTION NO. 02-2020

Adoption of Sexual Harassment Policy

WHEREAS, the River Parishes Transit Authority is comprised of "public employees" as defined in Louisiana RS 42:341; and

WHEREAS, the River Parishes Transit Authority shall institute a policy to prevent sexual harassment in accordance with Louisiana RS 42:342; and

WHEREAS, the policy shall require all board members to complete annual training on preventing sexual harassment as described in Louisiana RS 42:343; and

WHEREAS, the River Parishes Transit Authority shall compile an annual report by February 1 of each year containing information from the previous calendar year regarding the agency's compliance with the preventing sexual harassment requirements; now therefore

IT IS HEREBY RESOLVED that the River Parishes Transit Authority adopts the Sexual Harassment Policy.

The foregoing resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 5 NAYS: 0 ABSENT: 2

The resolution was declared to be adopted on this 16th day of January 2020.

Corey Faucheux
Corey Faucheux
Chairperson, River Parishes Transit Authority

1/16/20
Date