	SMP SO #303	GENERAL ORDERS	ST. MARTIN PARISH SHERIFF'S OFFICE
	RELATED CALEA CODE 26.1.3	CHAPTER: Personnel	
	RELATED LOUISIANA CODE LA RS 42:343	SUBJECT: Anti-Harassment Policy	
		EFFECTIVE: 07/01/2020	

I. POLICY (26.1.3):

The St. Martin Parish Sheriff's Office is committed to maintain a work environment free of discrimination. In keeping with this commitment, the Sheriff's Office will not tolerate harassment of employees by anyone, including any supervisor, co-worker, vendor or customer.


II. DEFINITION OF HARASSMENT:

- A. Harassment consist of unwelcomed conduct, whether verbal, physical or visual, that is based upon a person's protected status such as sex, color, race, ancestry, religion, natural origin, age, medical condition, disability, marital status, veteran status, citizenship status, or other protected group status.
- B. The St. Martin Parish Sheriff's Office will not tolerate any harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive working environment. This policy also applies to threats or acts of violence or other abusive behavior.
- C. This policy also applies to threats or acts of violence or other abusive behavior as well as any type of harassing behavior that is inappropriate or prohibited by this policy if it occurs electronically. This includes the transmittal of inappropriate messages or images via e-mail, text messaging, blog posting and any other form of electronic communication whether on Sheriff's office equipment or equipment personally owned by the employee or other person or entity.

III. SEXUAL HARASSMENT:

- A. Policy:
It is the policy of the St. Martin Parish Sheriff's Office to prohibit any form of sexual harassment of or by the Sheriff's employees.
- B. Purpose and Importance:
The purpose of this policy is to provide uniform guidance and procedures regarding sexual harassment in conformity with applicable federal, state, and local laws. This policy demonstrates the Sheriff's commitment to compliance with the law concerning sexual harassment establishes a process for handling of sexual harassment complaints and responds to the potential impact of sexual harassment on absenteeism, productivity, and turnover.
- C. Application:
This policy applies to all employees and appointees of the St. Martin Parish Sheriff's Office. This policy covers both sexual harassment by either sex toward the other, and sexual harassment between members of the same sex.
- D. Definitions:
Title VII of the Civil Rights Act of 1964 (42 U.S.C. Section 2000e) and Louisiana law recognize sexual harassment as a form of sexual discrimination. The Equal Employment Opportunity Commission (EEOC) defines sexual harassment as follows:


"Unwelcomed sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature . . . when (1) submission to such conduct is made either explicitly with a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive working environment." 29 C.F.R. §1604.11(a)

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1. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature constitutes sexual harassment. The sexual favors sought need not be personally for the person requesting the favors.
2. Sexual harassment may take either of two forms: "Quid Pro Quo" (this in exchange for that) harassment by a supervisor or other officers of greater rank, or "hostile environment" sexual harassment. Both forms of sexual harassment are equally prohibited by the policy.
 - a. *Quid Pro Quo* harassment takes place when submission to such conduct is made either an explicit or implicit term or condition of an individual's employment, or submission or rejection of the conduct by the individual is used for employment decisions such as performance appraisal, compensation, promotion, work assignments, etc. This conduct is unlawful and prohibited.
 - b. Hostile environment sexual harassment takes place when such conduct, whether committed by a supervisor or non-supervisor, has the effect of unreasonably interfering with an employee's work performance or creates an intimidating, hostile, or offensive work environment. This conduct is also prohibited both by law and this policy.
 - 1). Examples of prohibited conduct include but are not limited to, sexual advances or propositions, repeated offensive sexual flirtations, continued or repeated comments about a person's body of any parts thereof, sexually offensive language or jokes, and display at work of sexually suggestive pictures or objects.
 - 2). Sexually harassing conduct violations may be committed by supervisors, managers, other employees, and persons such as inmates who, although not employees, are on the premises administered by the Sheriff. Sexually harassing conduct by any of these individuals is strictly prohibited.

E. Complaint Procedure (For Sexual Harassment Matters Only):


1. Alleged harassment by employees **(26.1.3)**:
 - a. Employees who believe they have been sexually harassed by an employee of the Sheriff should immediately report that belief to their direct supervisors. However, if the director supervisor is the person directly or indirectly responsible for the harassment, the employee should instead report the problem to another officer of greater rank, the Sheriff or Human Resources Director.
 - b. All complaints of sexual harassment will be investigated in a timely and responsible manner. To the extent possible, the information supplied by the complainant will be held confidential, except when released due to legal compulsion. Nothing herein shall prohibit the Sheriff from exercising discretion in disclosing any material or statements obtained from the complainant, witnesses or the accused, to any court, board, or agency, or from waiving any privilege to which the Sheriff is entitled. All witnesses and those interviewed during the investigation will be required to treat the matter as confidential. The purpose of confidentiality shall be to protect, to the extent practicable, both the complainant and the accused.

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F. Investigative Procedures:

Investigation of sexual or any other harassment complaints will be carried out in a serious manner and will, whenever practicable, include interviewing the complainant, all relevant witnesses, and the accused. Employees are to cooperate fully in such investigation. Employees who file a complaint or participate in Investigations shall be protected from any form of retaliation arising out of the filing of the complaint or participation in the investigation. Any employee who impedes an investigation, covers up the truth of the matter, or retaliates against a complainant shall be subject to disciplinary action, which may include discharge. When an employee who in lodging a complaint puts forward a reasonable claim of fear of physical harm, to the extent practicable, immediate steps will be taken to separate or protect the employee from the alleged harasser. The burden of transfer shall not automatically be assigned to either the complainant or the alleged harasser but shall be determined in light of the circumstances involved. If an employee complains of a sexual assault that may constitute a crime, the matter shall immediately be brought to the attention of the Sheriff by the Department Chief Deputy.

1. If at the completion of the investigation, the complaint appears to be valid and supported by the evidence, appropriate disciplinary action, (which may include discharge); designed to halt the harassment or prevent any recurrence will be taken. Until the investigation is complete and a decision is reached, temporary measures such as suspension or transfer may be utilized.
2. Alleged harassment by inmates:
 - a. Harassment by inmates shall be treated as a disciplinary infraction and shall be subject to investigation and punishment according to the rules and procedures governing inmate behavior and discipline.
 - b. Personnel who are the subject or who observe acts of harassment by inmates shall report the infraction to the Warden or immediate supervisor.
3. Third parties that engage in harassment:
 - a. Harassment by third parties such as vendor, visitors, etc., who are neither employees nor inmates, will not be tolerated and shall be subject to investigation and appropriate corrective measures.
 - b. Personnel who are subjected to or who observe acts of harassment committed by third persons shall report the incident(s) to the Sheriff, the Chief Deputy or other ranking officer of the department.
4. Alleged harassment by the Sheriff:
 - a. Employee alleging sexual harassment by the Sheriff will bring his/her allegations directly to the St. Martin Parish District Attorney located in the St. Martin Parish Courthouse. Upon the District Attorney receiving the report of allegations, the District Attorney will appoint an investigator, without bias, to investigate the allegation.
 - b. Investigation results will remain confidential until such time as legal action is mandated.

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G. Responsibilities:


1. All employees will be held responsible and accountable for complying with this policy. All employees are expected to make a conscious effort to avoid any speech or conduct that may be perceived as sexual harassment. Employees who observe sexual harassment should document their observations as specifically as possible and report the problem to their supervisors and higher ranking officers.
2. All supervisors and personnel with the rank of Sergeant and higher ("higher ranking officers") are assigned the responsibility for implementing this policy, insuring compliance with and knowledge of its terms, and for taking immediate and appropriate corrective action where warranted. High ranking officers and supervisors must open and maintain communication channels to permit employees to raise concerns about sexual harassment without fear of retaliation; stop any observed sexual harassment; and treat sexual harassment matters with sensitivity, confidentiality, and objectiveness. A high ranking officer or supervisor's failure to carry out these responsibilities may result in discipline or discharge.
3. Administration of the complaint procedure and the carrying out of timely and thorough investigations is assigned to the Internal Affairs Lieutenant. All investigations and internal and external reports shall be subject to the supervision and direction of the Sheriff or his Designee. In some cases, the Sheriff may assign an outside agency to assist in the investigation. Persons accepting complaints are also responsible for making timely reports to the Department Chief Deputy of the filing of complaints and the results of investigations.
4. All employees have access to this policy via the intranet. New employees receive an intranet password during their initial orientation and this immediately gains him/her access to this policy and all other general orders. Employees must sign an acknowledgment of personal receipt of a copy of the policy. This policy must be re-disseminated whenever it is changed.

H. Training:

The Sheriff, through the Human Resources and Training Bureau, shall provide training programs to educate and sensitize supervisory and non-supervisory personnel regarding this policy, and shall audit all investigations for consistency and effectiveness in the administration of disciplinary action.

La 42:343 governs the mandatory training requirements for each public servant and supervisors/persons designated by the agency to accept or investigate a sexual harassment complaint.

1. Each public servant shall receive a minimum of one hour of education and training on preventing sexual harassment during each full calendar year of his/her public employment or term of office, as the case may be.
2. An agency head shall require supervisors and any persons designated by the agency to accept or investigate a complaint of sexual harassment in his agency to receive additional education and training.

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3. The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's agency head.
4. Each agency head shall ensure that each public servant in the agency is notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment. The agency shall be responsible for maintaining records of the compliance of each public servant in the agency with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.
5. Each agency head shall ensure that its policy against sexual harassment and its complaint procedure is prominently posted on its website.
6. St. Martin Parish Sheriff's Office shall complete the entity's annual sexual harassment report for the current fiscal period, observe that the report was dated on or before February 1, and observe that it includes the applicable requirements of R.S. 42.344.

IV. **MODIFICATIONS TO THIS POLICY:**

The Sheriff reserves the right to alter, modify, or amend this policy at any time at his sole discretion, with or without individual notice to employees.



Becket Breaux, Sheriff
 Revised: 11.08.2022