

**LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**  
**Sexual Harassment Policy**  
**Issued: 07/2018**

**I. STATEMENT OF POLICY**

The Louisiana State Board of Social Work Examiners (LABSWE) is committed to providing its board members and employees a work environment free from sexual harassment. LABSWE has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting conduct which constitutes sexual harassment.

The purpose of this policy statement is to afford a uniform approach to the investigation and resolution of sexual harassment complaints. This procedure shall apply to all LABSWE board members, employees, vendors, contractors and any applicant for employment. It is in no way intended to replace or supplant any other regulatory agency designed to investigate such charges. Nothing in this policy or the attendant procedures shall limit the right of a complainant to file his/her complaint with any other agency designed to operate in such a manner; i.e. Louisiana Department of Civil Service, Louisiana Commission on Human Rights or Federal Equal Employment Offices at the regional and national levels. This procedure is designed primarily to accommodate the internal processing of sexual harassment complaints within LABSWE.

All LABSWE board members and employees have a right to work in an environment free from discrimination, including freedom from sexual harassment. All board members/employees are required to comply with federal, state and local laws, government regulations and executive orders, which relate to sexual harassment. All board members/employees must refrain from offensive or inappropriate conduct of a sexual nature within the workplace. Administrators, managers and supervisors are responsible for discussing this policy with subordinates and ensuring that the workplace is free of sexual harassment.

**Prohibited Conduct**

Sexual harassment can take many forms, including unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual harassment can involve behavior by a person of either gender against a person of the same or opposite gender. Sexual harassment may include conduct of any board member, administrator, manager, or supervisor towards a subordinate employee or conduct of one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, client or visitor to the LABSWE. A board member/employee may be the victim of sexual harassment because he/she has been affected by inappropriate behavior towards a co-worker. Sexual harassment can occur at the daily job duty site, a conference, during travel for work, etc. Sexual harassment is determined by the effect (or result) the harassment has on the victim or their interpretation of the behavior, not the intent of the perpetrator.

**LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**

**Sexual Harassment Policy**

**Issued: 07/2018**

**Unwelcome sexual words or conduct constitute sexual harassment when:**

- Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as a basis for employment decisions (i.e., continued employment, evaluations, wages, advancement, assigned duties, shifts or any other condition of employment or career development); or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating hostile or offensive work environment.

**Sexual harassment includes, but is not limited to, the following:**

- Unwelcome sexual flirtations, advances or propositions;
- Unwelcome sexual teasing, jokes, remarks or inquiries;
- Unwelcome sexual looks or gestures;
- Verbal or written abuse of a sexual nature;
- Requests for sexual favors;
- Graphic, verbal or sexual comments about an individual or to describe an individual's body;
- Unwelcome physical contact (i.e., touching, rubbing against, leaning over, brushing, pinching);
- Sexually degrading words and demeaning or inappropriate terms (i.e., referring to a person as "Babe", "Honey", etc.)
- Sexual or insulting noises;
- Using crude and offensive language;
- Discussing sexual activities or exploits;
- Inappropriate commenting on a person's attributes, and/or
- Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.

# **LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**

## **Sexual Harassment Policy**

**Issued: 07/2018**

Board members/employees should understand that the verbal and physical behavior described in this policy is always inappropriate in the workplace and therefore, violates the LABSWE's policy, although such behavior may not be actionable in a court of law as a civil action. The totality of the circumstances will be considered, including the pervasiveness, offensiveness and unwelcome nature of the conduct. Each situation must be addressed on a case-by-case basis.

## **II. PROCEDURES**

Board members/employees who experience such conduct should clearly communicate to the alleged harasser that the behavior is unwelcome either verbally, in writing, or through a third party. The third party can be his/her supervisor. If the supervisor is the alleged harasser, then the behavior should be reported to the Administrator. If the Administrator is the alleged harasser, then the behavior should be reported to the chairperson of the board. If the chairperson of the board is the harasser, then the behavior should be reported to the vice-chairperson of the board. Any board member/employee experiencing or witnessing sexual harassment by anyone in the LABSWE, including any board member, manager, supervisor, administrator, co-worker, vendor, client or visitor, shall immediately report the inappropriate conduct. Any such complaint may be made verbally or in writing. Content of the complaint should include:

- Complainant's Name
- Complainant's Work Address
- Complainant's Phone Number(s)
- Complainant's Job Title/Position
- Name of Person Against Whom Complaint is Filed (Respondent)
- Respondent's Work Address
- Relief Sought
- Date Complaint Occurred (must be within past 300 calendar days)
- Detailed Description of Complaint
- Witness(es) or Contact Person(s)
- Complainant's Signature and Date (if in writing)

Complaints may be made to the employee's supervisor, administrator or the chairperson of the board. When a supervisor receives a sexual harassment complaint, immediate contact should be established with the administrator and the chairperson of the board.

### **Investigation of Complaint**

- All reports of sexual harassment will immediately be reported to the administrator and the chairperson of the board, either by the employee or the employee's supervisor. The administrator or chairperson of the board will direct the investigatory process.

## **LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**

### **Sexual Harassment Policy**

**Issued: 07/2018**

- The LABSWE will investigate all complaints. "Informal" complaints or requests to withhold an investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.
- Generally, to prevent further occurrences or to preserve the integrity of the investigation, temporary reassignments, transfers or other personnel actions permissible under the Civil Service Rules will be initiated by the administrator and the chairperson of the board.
- 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.
- The investigative process will be documented, thus requiring that all involved prepare written statements or provide verbal statements which will be recorded.
- Persons called upon during the investigation are required to answer all questions truthfully and cooperatively.
- The investigative process will be conducted expeditiously and professionally with appropriate emphasis on the rights of all involved.
- The investigative process will also be conducted in a confidential manner with only those in a need-to-know position involved.
- The complaining board member/employee and accused will be apprised of the outcome of the investigation along with the appropriate member of LABSWE management.

### **Disciplinary Action**

In the event it is determined that an act of sexual harassment has been committed, LABSWE will implement corrective action and take disciplinary action against the perpetrator. The LABSWE will not tolerate any retaliation, reprisals or intimidation directed toward the complaining party, witnesses or anyone else as a result of the filing or investigation of a sexual harassment complaint. Any such retaliation, reprisals or intimidation will be considered a violation of this policy and will result in disciplinary action. In addition to disciplinary action, other appropriate measures, including training and follow up inquiries, will be utilized to ensure that the harassment does not recur.

### **Time Frame and Prohibitive Factors**

In all cases involving alleged sexual harassment, complaints filed with LABSWE or with federal agencies must be made within 300 calendar days from the date of the alleged incident. Complaints filed with the Civil Service Commission must be made within thirty (30) calendar days from the date of the alleged incident.

**LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**  
**Sexual Harassment Policy**  
**Issued: 07/2018**

**Training**

Senate Concurrent Resolution (SCR) 107 of the 2012 Regular Session requires all "public agencies" to provide a minimum of one hour of education and training on sexual harassment each year, effective January 1, 2013. The LABSWE has chosen to use the sexual harassment training provided on State of Louisiana, Division of Administration website at <https://www.doa.la.gov/Pages/orm/CoursesBBPlaunch-htm.aspx>. Each board member/employee must complete the training annually. All new board members/hires must complete the training within ninety (90) days of their date of appointment/hire.

**III. REFERENCES**

**Definitions**

Complainant/Charging Party – Person alleging the harassment.

LABSWE - Louisiana State Board of Social Work Examiners

EEOC – Equal Employment Opportunity Commission.

Respondent – The organizational entity and/or individual specifically identified as party to an alleged act of discrimination by complainant.

Workplace - the location, facility or place where a board member/employee may be expected to perform any task in the course and scope of his or her assigned appointment/job duties for the LABSWE. For the purposes of this policy, "workplace" is defined to mean any permanent or temporary location, facility, telework center, building, job-site, event, vehicle or watercraft where the employee is carrying out assigned duties and responsibilities related to his/her appointment/employment with LABSWE.

**LOUISIANA STATE BOARD OF SOCIAL WORK EXAMINERS**  
**Sexual Harassment Policy**  
**Issued: 07/2018**

The Civil Rights Act (CRA) of 1866: A federal law that declared all persons born in the United States are citizens, without regard to race, color, or previous condition. As citizens they could make and enforce contracts, sue and be sued, give evidence in court, and inherit, purchase, lease, sell, hold, and convey real and personal property.

Title VII of the Civil Rights Act of 1964, as amended (Title VII): A federal law that prohibits discrimination based upon race, color, sex, religion, or national origin.

The Equal Employment Opportunity Act of 1972: This federal law amended Title VII to include state and local governments and applies to all employers, public and private, whether or not they receive federal fund.

The Equal Pay Act (EPA) of 1963: A federal law that protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination.

The Civil Rights Act (CRA) of 1991: This federal law amends CRA of 1866, Title VII, ADEA, and ADA and stipulates that any intentional discrimination (sex, race, national origin, religion, disability) is unlawful and allows compensatory damages and a jury trial.

LA Revised Statutes (R.S.) 23:312, 23:323, 23:332, 23:342, 23:352, 23:961, and 23:962: These state laws prohibit discrimination against employees based on age, disability, race, color, religion, sex, national origin, pregnancy, childbirth and related medical conditions, Sickle Cell trait and political activity.

LA R.S. 23:967: A state law prohibiting an employer from taking reprisals against an employee who in good faith discloses or threatens to disclose illegal work-related practices, provides information or testimony before a public body investigating any such illegal activities, or objects or refuses to participate in an illegal act.