

ST. TAMMANY FIRE PROTECTION DISTRICT # 1



POLICY NUMBER:	1-44	APPROVED BY:	Chief Chris Kaufmann
SUBJECT:	Sexual Harassment Prevention Policy		
EFFECTIVE DATE:	January 1, 2019		
REVISION DATE:	September 16, 2019		
REVIEW DATE:	January 29, 2020		

Scope: Effective January 1, 2019 all public servants including, any employee, board members, Chief or Administrator of St. Tammany Fire Protection District No.1 shall comply with the Sexual Harassment Prevention Policy. This policy applies to all employees regardless of rank or status. This includes classified and unclassified employees, full time, part time, seasonal and temporary employees. The tenets of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff members, student workers, and interns. This policy also applies to non-employees, including visitors and individuals who transact business with St. Tammany Fire Protection District No.1 such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behaviors prohibited in this policy and are also protected from experiencing such behavior by St. Tammany Fire Protection District No.1 employees. This policy applies not only to the customary workplace and work locations where St. Tammany Fire Protection District No.1 employees may be assigned, but also prohibits such behavior while travelling for work, while attending conference or off-site meetings, workshops, training, business trips, and business related social events. In addition, this policy applies to off-duty, off-premises behavior which has an impact on and a relation back to the workplace.

Purpose: The prevention of sexual harassment in accordance with state and federal laws.

Policy: Sexual harassment will not be tolerated. Employees of St. Tammany Fire Protection District No.1 deserve to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination including inappropriate and offensive behavior of a sexual nature. Managers and supervisors

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are responsible for disseminating and discussing this policy with subordinates and ensuring that the workplace is free of such behavior.

Sexual Harassment Defined:

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Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical or inappropriate conduct when the conduct explicitly or implicitly affects the individual's employment or the holding of office, unreasonably interferes with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexually inappropriate behavior proscribed by this policy can take many forms, including unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Such inappropriate behavior may be by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, contractor, client or visitor to Fire Protection District No.1. Finally, an employee may be the victim of inappropriate behavior even though not the target of such behavior.

Inappropriate conduct includes:

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature wherein :

- A) Submission to such conduct is explicitly/implicitly a term or condition of employment; or
- B) Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts, training opportunities, or any other condition of employment or career development); or

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C) 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.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. Examples include, but are not limited to, the following:

- A) Unwelcomed sexual flirtations, advances or propositions;
- B) Unwelcomed request for sexual favors;
- C) Unwelcomed sexual teasing, jokes, remarks, insults, innuendo or inquiries;
- D) Unwelcomed physical contact (i.e. touching, rubbing, leaning over, pinching, invading another's space by leaning over, purposefully cornering, or blocking passage);
- E) Unwelcomed sexual looks or gestures;
- F) Verbal, written or physical abuse of a sexual nature;
- G) Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
- H) Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.);
- I) Sexually insulting noises;
- J) Using crude and offensive language;
- K) Discussing sexual activities, or exploits;
- L) Inappropriate commenting on a person's attributes; and/or

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M) Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.

N) Unwelcomed repeated requests for dates or social engagement

NOTE: Employees must be reminded that the verbal and physical behavior proscribed by this policy is always inappropriate in the workplace and hence, violates departmental policy, although such behavior may not be actionable in a court of law as a civil action for sexual harassment. St. Tammany Fire Protection District No.1 prohibits all sexually inappropriate behavior, regardless of severity, pervasiveness, or identifiable impact.

Persons who can make a complaint

Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigation process. St. Tammany Fire Protection District No.1 does not require a fixed reporting time or deadline; the sooner the better is preferred and immediately reporting is ideal. St. Tammany Fire Protection District No.1 reinforces its intolerance of sexually inappropriate behavior, and encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy.

St. Tammany Fire Protection District No.1 will objectively and thoroughly investigate reports; implement preventive measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

Complaint Procedure:

When a complaint of sexual harassment involving any public servant in the agency is received, immediate and appropriate action will be taken. In order for a complaint to

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be valid, the victim or firsthand witness must complete a signed written statement addressed to the Fire Chief or Chief of Administration and need not utilize a specific form.

Any employee experiencing, witnessing or having knowledge, directly or indirectly, of sexually inappropriate behavior by anyone or towards anyone associated with St. Tammany Fire Protection District No.1 or on department premises, including any administrator, manager, supervisor, co-worker, vendor, client or visitor, should immediately report the occurrence. Under most circumstances, complaints should be made by the employee to his/her supervisor. If the complaint involves the employee's supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable reporting such behavior to a supervisor, he/she may report the incident to another supervisor or manager, or directly to the Fire Chief or Chief of Administration.

Investigation of Complaint

A) All reports of sexually inappropriate behavior will ultimately be reported to the Fire Chief who generally will direct the investigative process. Management personnel in a need to know capacity will be apprised of the complaint.

B) St. Tammany Fire Protection District No.1 will investigate all complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.

C) To prevent further occurrences or to preserve the integrity of the investigation, temporary reassignment, transfers, forced leave or other personnel actions permissible under the Civil Service Rules may be utilized.

D) The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.

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E) The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.

F) Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees do not have the option of remaining silent or declining to be involved.

G) The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.

H) To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved. Employees who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.

I) Upon completion of the investigation, the Fire Chief or his designee will apprise management of the outcome and recommendations for resolution. The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

Complaint Resolution

A) Any employee found, after appropriate investigation, to have engaged in sexually inappropriate behavior will be disciplined in accordance with applicable law and the Civil Service Rules. Such action may include counseling, reprimand, suspension, demotion, reduction in pay or termination.

B) In addition to corrective action, other appropriate measures, including follow-up inquiries and re-training, will be utilized to ensure that the inappropriate behavior does not recur.

C) Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent

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upon the outcome nor completion of the St. Tammany Fire Protection District No.1 administrative investigation.

Non-Retaliation

A) Any employee making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.

B) If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process appropriate, severe disciplinary action will be taken, including the possibility of termination.

Training:

Each public servant including, employees, board members, Chiefs and Administrators of St. Tammany Fire Protection District No.1 shall receive a minimum of one hour of education and training on preventing sexual harassment each year. Supervisors and personnel designated by the agency to accept or investigate a complaint of sexual harassment shall receive additional education and training. Training may be received either in person or via the internet through training and education materials approved by the Fire Chief.

Notification and Documentation:

Each public servant including, any employee, board members, Chief or Administrator of St. Tammany Fire Protection District No.1 shall be notified of the agency's policy against sexual harassment and the mandatory training requirement on preventing sexual harassment and will sign a statement each year in order to maintain a record

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and compliance with the mandatory training requirement. Each public servant's record of compliance shall be a public record and available in accordance with the Public Records Law.

The policy against sexual harassment and its complaint procedure is to be prominently posted on the agency website.

Retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment.

Mandatory Reports

The Fire Chief shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance including the number and percentage of public servants in his agency who have completed the training requirements, the number of sexual harassment complaints received by his agency, 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 the manner provided by the Public Records Law.

Applicable state law on sexual harassment: [LA R.S. 23:332](#); [LA R.S. 42:342-343](#)

Applicable federal law on sexual harassment: [Title VII of the Civil Rights Act of 1964](#)

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