

LPSO # 152	GENERAL ORDERS CHAPTER: Administration SUBJECT: Unlawful or Sexual Harassment	LAFAYETTE PARISH SHERIFF'S OFFICE
RELATED CALEA 26.1.3		
RELATED LOUISIANA CODE		

PURPOSE: The purpose of this policy is to provide a workplace free of unlawful or sexual harassment, to define and forbid certain conduct that is unlawful or sexual harassment, to prohibit the condoning or perpetuating of such conduct, and to provide an efficient means of reporting and resolving complaints of unlawful or sexual harassment and of condoning unlawful or sexual harassment.

SCOPE: This order will apply to all employees of the Lafayette Parish Sheriff's Office.

DISCUSSION: It is important that the workplace be free of actions that create a hostile and threatening environment. It is important that all supervisors and employees understand what constitutes unlawful or sexual harassment and make sure that they control their own behavior in the workplace so that they do not purposely or inadvertently harm others.

POLICY: It is the policy of the Lafayette Parish Sheriff's Office to prohibit unlawful and/or sexual harassment by employees, supervisors, and managers. Any employee, supervisor, or manager who engages in, or who perpetuates or condones unlawful and/or sexual harassment while pursuing a department activity, through department employment, or using Sheriff's Office authority shall be subject to disciplinary action up to and including discharge.

PROCEDURE:

I. Prohibited Actions

- A. Setting any conditions of an employee's job or making any employment decisions based upon sexual favors will result in the immediate discharge of the involved supervisor or manager.
- B. Direct reprisal or retaliation, or the encouragement of others to engage in retaliation or reprisal is forbidden against any person who:
 - 1. Opposes any conduct prohibited by this policy;
 - 2. Files a complaint concerning any violation of this policy;
 - 3. Testifies, assists, or participates in any investigation or hearing resulting from a complaint under this policy; and/or;
 - 4. Exercises or attempts to exercise any right conferred under this policy.

II. Definitions

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- A. Employee – any individual employed by the Lafayette Parish Sheriff’s Office on a full time, part time, temporary or regular basis.
- B. Sexual Harassment – The unsolicited and unwelcome sexual advances, requests for sexual favors, and/or other verbal, written, physical, or visual conduct of a sexual nature when:
 - 1. Submission to that conduct or communication is made either explicitly or implicitly a term or condition of employment;
 - 2. Submission to or rejection of that conduct or communication by an employee is used as a basis for employment decisions affecting the employee; or
 - 3. Such conduct or communication has the potential to affect an employee’s work performance negatively and/or create an intimidating, hostile, or otherwise offensive work environment.
- C. Unlawful Harassment – Conduct that has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

III. Prohibited Conduct

- A. The following types of conduct are examples of sexual harassment that are prohibited. These examples do not represent all of the ways in which sexual harassment may occur and are not intended to limit the definition of sexual harassment above.
 - 1. Explicit or implicit promises of career advancement or preferential treatment in return for sexual favors. Such promises or preferential treatment may include, but are not limited to hiring, promotion, training opportunities, acceptance of a lower standard of performance, providing higher performance evaluations, and lax time-keeping.
 - 2. Explicit or implicit threats that an employee will be adversely affected if sexual demands are rejected. Such threats include, but are not limited to, lower evaluations, denial of promotions, punitive transfers, terminations, and altered or increased work assignments.
 - 3. The provision of an employment opportunity or benefit to an individual because of his or her submission to sexual advances, when a similar opportunity or benefit is not granted to similarly qualified persons with whom the harasser is not sexually involved.
 - 4. Denial of an employment opportunity or benefit to an individual because of his or her refusal to submit to sexual advances.
 - 5. Deliberate, repeated, and unwelcome verbal comments and gestures of a sexual nature such as sexually derogatory comments, slurs, vulgar or obscene jokes, crude or vulgar language; recounting one’s sexual exploits for the people in the workplace; or starting and/or spreading untrue rumors about the sex life of an employee.

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- B. The following types of conduct are examples of unlawful harassment that are prohibited. These examples do not represent all of the ways in which unlawful harassment may occur and are not intended to limit the definition of unlawful harassment above.
1. Deliberate, repeated, and unwelcome verbal comments and gestures such as personality slurs, crude or vulgar language;
 2. Mimicking or purposely engaging in annoying behavior with the intent to harass another;
 3. Starting and/or spreading untrue rumors about an employee.
 4. The use of racial or ethnic remarks, slurs, epithets, words or gestures, which are derogatory or inflammatory in nature to or about any person or group of persons.
 5. Physical violence or threats of physical violence toward another employee.
 6. Hazing or initiation rituals or acts. This is defined as:
 - a. Any action taken or situation created, intentionally, to produce mental or physical discomfort, embarrassment, harassment, or ridicule. Such activities may include but are not limited to the following: physical and psychological shocks; engaging in public stunts and buffoonery; morally degrading or humiliating games and/or activities.

IV. Responsibility

- A. Division Heads, managers, and supervisors are responsible for insuring that the workplace is free of sexually and/or unlawfully harassing conduct/behavior by their employees. They have a responsibility to act promptly and affirmatively when they observe behavior that violates this policy, and/or when they receive complaints of unlawful and/or sexual harassment.
- B. All employees of the Lafayette Parish Sheriff's Office are expected to avoid any behavior or conduct toward any other employee that could be interpreted as unlawful and/or sexual harassment.

V. Complaint Procedure

- A. All employees have the right to file a complaint concerning unlawful and/or sexual harassment. However, an employee may attempt to immediately resolve the harassing behavior by expressing his/her discomfort with the behavior to the offender in a constructive manner.
- B. If the employee feels that the above step is not appropriate, or the first step fails to resolve the situation, the employee may file a written complaint with any one of the following:
1. Immediate supervisor
 2. If the immediate supervisor is the accused, then the individual will go to the next higher supervisor in the chain of command.
 3. Division or Department head.
 4. Internal Affairs

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- C. If the harassing behavior is being committed by the Sheriff, the employee should contact the Louisiana State Police for an investigation of the alleged unlawful behavior.
- D. This policy is not in any way intended to replace or supersede the statutory or regulatory rights regarding sexual harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.).

VI. Investigative Procedure

- A. Any person receiving a complaint of unlawful and/or sexual harassment shall immediately notify Internal Affairs.
- B. The Internal Affairs Office shall expediently conduct an administrative investigation into all complaints of unlawful and/or sexual harassment in accordance with LPSO # 103 “Complaint Handling/Internal Investigations.
- C. Managers and supervisors shall make available any employee for interviews and present any documents required by the investigator. All employees must cooperate with any such investigation.
- D. Any person who knowingly gives false, misleading statements, and/or is deliberately untrue during the course of an administrative investigation shall be subject to disciplinary action up to and including discharge.

VII. Disciplinary Procedure

- A. Disciplinary action shall be taken depending on the circumstances and variables of each individual situation. Disciplinary action may range from a verbal counseling to termination.
- B. Disciplinary Action shall be taken in accordance with guidelines in LPSO #104 “Disciplinary Procedures.”

Mark T. Garber, Sheriff

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