

**GREATER BATON ROUGE PORT COMMISSION
WORKPLACE / SEXUAL HARASSMENT POLICY**

STATEMENT OF POLICY

It is the policy of the Greater Baton Rouge Port Commission that its work environment is one in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices. Harassment in the workplace will not be tolerated by the Port. Sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

Definition of Harassment

Harassment shall mean any conduct, including but not limited to, sexual harassment or other words, signs, jokes, pranks, intimidation, physical contact, or violence which is not consented to by the person to whom such conduct is directed or any person who sees, hears, or experiences such conduct, whether or not such conduct is directed to such person , when:

- 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment; or
- 2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Definition of Sexual Harassment

Sexual Harassment is defined as unwelcome or unwanted advances, requests for sexual favors, and any other verbal, visual, inappropriate, or physical conduct of a sexual nature when:

- 1) submission to or rejection of this conduct by an individual is used as a factor in decisions affecting hiring, evaluation, retention, promotion or other aspects of employment, or explicitly or implicitly affects an individual's employment or the holding of office; or
- 2) this conduct substantially interferes with an individual's employment or creates an intimidating, hostile, or offensive work environment.

Examples of prohibited conduct constituting sexual harassment may include, but are not limited to:

- unwanted sexual advances;
- demands for sexual favors in exchange for favorable treatment or continued employment;

- threats and demands to submit to sexual requests in order to obtain or retain any employment benefit;
- verbal conduct such as epithets, derogatory or obscene comments, slurs of sexual invitations, sexual jokes, propositions, suggestive, insulting, obscene comments or gestures or other verbal abuse of a sexual nature;
- graphic, verbal commentary about an individual's body, sexual prowess or sexual deficiencies;
- flirtations, advances, leering, whistling, touching, pinching, assault, coerced sexual acts, blocking normal movements;
- visual conduct such as derogatory or sexual posters, photographs, cartoons, drawings, or gestures or other displays in the work place of sexually suggestive objects or pictures;
- conduct or comments consistently targeted at only one gender, even if the content is not sexual;
- retaliation for having reported or threatened to report or file a complaint of sexual harassment
- retaliation for cooperating with, participating in, or testifying in an investigation or proceeding involving a complaint or report of sexual harassment.

This behavior is unacceptable in the workplace itself and in other work-related settings, such as business trips, and business-related social events. In evaluating behavior, the standard to be applied is that of a reasonable victim of the same gender as the victim.

Sexual harassment is prohibited under federal law under Title VII of the Civil Rights Act of 1964. It is also prohibited under the Louisiana Employment Discrimination Act. Violations can result in administrative enforcement action and /or liability in a civil lawsuit.

Individuals Covered Under The Policy

This policy covers all individuals in the workplace. The Port will not tolerate, condone or allow harassment, whether engaged in by fellow employees, supervisors, commissioners, or by outside persons, contractors, customers, guests, tenants, or other non-employees who conduct business with the Port. The Port encourages reporting of all incidents of harassment of any type, regardless of who the offender may be, or of the offender's relationship to the Port, and it is the duty of each Port employee who witnesses, experiences, or becomes aware of an actual or potential incident or series of incidents of harassment, to immediately report such to his or her supervisor or to a member of the committee designated for that purpose.

Process for Reporting and Resolving Complaints

Reporting a Complaint

While the Port encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, the Port also recognizes that power and status disparities between an alleged harasser and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a harassment complaint.

1. Notification of Appropriate Staff

Individuals who believe they have been subjected to harassment should report the incident to his or her supervisor or to any member of the Harassment Committee, which shall consist of the Executive Director, General Counsel and the members of the Executive Committee of the Commission.

If an individual chooses to report the complaint to his/her supervisor, and the supervisor successfully resolves the complaint in an informal manner to the complainant's satisfaction, the supervisor must file a confidential report to the Executive Director about the complaint and resolution so that the Port will be aware of any pattern of harassment by a particular individual and will also be aware of and be in a position to eliminate all complaints of harassment in the Port work environment. If the supervisor does not successfully resolve the complaint informally, a written report must be made to the Executive Director within one work day. A supervisor who has not had special training in dealing with harassment complaints is strongly encouraged to consult a member of the Port Harassment Committee before taking action.

2. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment.

While the initial report of harassment may be verbal, such reports must be reduced to writing by either the complainant or the individual(s) designated to receive complaints, and must be signed by the complainant. Individuals who believe that they have been or are currently being harassed, should maintain a record of objectionable conduct in order to prepare effectively and substantiate their allegations. While the Port encourages individuals to keep written notes in order to accurately record offensive conduct or behavior, the Port hereby notifies all employees that, in the event that a lawsuit develops from the reported incident, the complainant's written notes might not be considered privileged or confidential information.

3. Time Frame for Reporting Complaint

The Port encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. This policy not only aids the complainant, but also helps to maintain an environment free from discrimination for all employees.

Investigating the Complaint

Any allegation of harassment brought to the attention of the Harassment Committee will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. Complaints will be investigated and resolved by the Port's Harassment Committee. In addition, the Harassment Committee may designate additional individuals to assist in the investigation and review as appropriate under the circumstances.

In pursuing the investigation, the wishes of the complainant will be considered, but the matter will be thoroughly investigated and the complainant will be kept informed as to the status of the investigation.

Resolving the Complaint

In order to minimize the damage to the Port workplace environment, the complainant, and the alleged harasser, the Port will complete the investigation of a harassment complaint and will communicate its findings and intended actions to the complainant and alleged harasser as expeditiously as possible.

If the harassment committee finds that harassment occurred, the harasser will be subject to appropriate disciplinary procedures, as listed below. The complainant will be informed of the disciplinary action taken.

If the harassment committee determines that no harassment has occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

If the harassment committee cannot determine whether or not harassment has occurred, this finding will be communicated to the complainant and to the alleged harasser in an appropriately sensitive manner, and the matter will be recorded as unresolved. Both the complainant and the alleged harasser will be informed again of the procedures set forth in this harassment policy.

Sanctions

Individuals found to have engaged in misconduct constituting harassment will be severely disciplined, up to and including discharge. Appropriate sanctions will be determined by the Executive Director. If the harasser is a member of the Commission or the Executive Director, the matter will be submitted to the full Commission for appropriate action.

This policy is designed to protect all employees from harassment in any way associated with the workplace or work environment, no matter who the harasser is. Although the Port's ability to discipline a non-employee harasser (e.g. supplier, customer, tenant, contractor) may be limited by the degree of control, if any, that the Port has over the alleged harasser, any employee who has been subjected to harassment should file a complaint and be assured that action will be taken. Such action may include terminating the relationship with such person, reporting the matter to a person's employer, reporting a public official to an appropriate agency, or any other appropriate action to protect employees.

Maintaining a Written Report of the Complaint

The port shall maintain a complete written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the office of the Port's General Counsel.

Written records will be maintained for 5 years from the date of the resolution, unless new circumstances dictate that the file should be kept for a longer period of time.

Protection Against Retaliation

The Port will not in any way retaliate against an individual who makes a complaint of harassment or against any participant in the investigation, nor permit any other employee, supervisor or official to do so. Retaliation is a serious violation of this harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment will be subject to the same disciplinary action provided for offenders above as set forth above.

Formal Legal Proceedings

The procedures above apply to internal complaints of harassment. Different procedures apply after a formal governmental administrative charge or civil lawsuit is filed. If you receive such a charge or complaint, you are directed to deliver it to the Executive Director and the Port's General Counsel immediately, all responses to such a formal charge or complaint will be made through the Port's General Counsel

RETALIATION AGAINST ANY PERSON WHO FILES A FORMAL CHARGE OR COMPLAINT OF HARASSMENT IS PROHIBITED, AND IS GROUNDS FOR DISCIPLINE UP TO AND INCLUDING TERMINATION.

Training, Notification and Reporting

Training

Each Port employee and all commissioners are required to receive a minimum of one hour of education and training on preventing sexual harassment during each calendar year of employment or term of office.

Each supervisor and each member of the Harrassment Committee shall receive additional training on investigating and resolving sexual harassment reports and complaints.

The Executive Director or his or her designee shall monitor and record compliance of all persons required to undergo training.

Notification

Notification of this sexual harassment policy shall be given to each Port employee upon beginning employment and to each commissioner upon beginning his or her term of office.

This policy shall be posted on the Port's website.

Reporting

The Executive Director or his or her designee shall prepare and maintain a report annually by February 1 of each calendar year which includes:

1. The number and percentage of required persons who have complied with the training requirements of this policy;
2. The number of complaints received during the calendar year;
3. The number of complaints resulting in a finding that sexual harassment occurred;
4. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
5. The amount of time it took to resolve each complaint.

Conclusion

The Greater Baton Rouge Port Commission has developed this policy to ensure that all its employees can work in an environment free from harassment. The Port will make every effort to ensure that all personnel are familiar with the policy and know that any complaint received will be thoroughly investigated and appropriately resolved.