

RULE XVI  
POLICY PROHIBITING HARASSMENT AND DISCRIMINATION

**Approved by the LEPA Board of Directors July 18, 1997.**

- 16.1 Harassment of employees is prohibited by law and will not be tolerated.
- 16.2 Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, national origin, age or disability.
- 16.3 Harassing conduct includes but is not limited to, the following:
  - 16.3.1 Verbal Harassment - Epithets, slurs, negative stereotyping, or threatening, intimidating, coercing, or hostile acts that relate to race, color, religion, sex, national origin, age or disability.
  - 16.3.2 Visual Harassment - Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sex, national origin, age, or disability and that is placed on walls, bulletin boards, e-mail, or elsewhere on the employer's premises, or circulated in the workplace.
  - 16.3.3 Physical Harassment - assault, offensive touching, or physical interference with normal work or movement.
- 16.4 Sexual harassment is characterized by:
  - 16.4.1 Making unwelcome sexual advances or requests for sexual favors or other verbal or physical conduct of a sexual nature a condition of an employee's employment; or
  - 16.4.2 Making submission to or rejections of such conduct the basis for employment decisions affecting the employee; or
  - 16.4.3 Creating an intimidating, hostile, or offensive working environment by such conduct.

- 16.5 Sexual harassment does not include behavior or occasional compliments of a socially acceptable nature. It includes behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, and that, therefore, interferes with work effectiveness.
- 16.6 Sexual harassment may take many forms, it may be overt or subtle, but it will not be tolerated. One specific form of sexual harassment is the demand for sexual favors; other forms of sexual harassment include:
- 16.6.1 Verbal- Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, threats.
- 16.6.2 Non-verbal- Sexually suggestive objects or pictures, graphic commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures.
- 16.6.3 Physical- Unwanted physical contact, including touching, grabbing, patting, pinching, brushing the body, coerced sexual intercourse, assault.
- 16.7 Harassment can be insulting and demeaning to the recipient. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, termination, and other appropriate action.
- 16.8 Complaint Procedure - Any employee who has a reasonable belief that he or she has been the subject of sexual or any other form of harassment should report the alleged act immediately to his or her immediate supervisor, the department supervisor, the accounting manager, or the Assistant General Manager. If the employee does not feel comfortable reporting to any of these supervisors or managers, he or she may report the harassment to any supervisory or management employee. Reports may be written or verbal.

- 16.8.1 Every effort will be made to protect the employee who files a complaint, to encourage the reporting of incidents of harassment, and to protect the reputation of any employee wrongfully charged with harassment. Any investigation of a complaint that follows may include utilizing objective, outside investigators or mediators. LEPA will make a reasonable effort to protect employees from coercion, intimidation, retaliation, interference, or discrimination for filing a complaint or assisting in an investigation.
- 16.8.2 LEPA forbids retaliation against employees for opposing harassment, for reporting harassment, or for participating in an investigation of suspected harassment. Retaliation can take the form of verbal or physical misconduct, shunning, and can include adverse employment actions such as negative evaluation, less favorable work assignments, discipline, or discharge. When such conduct occurs because the employee opposed or reported harassment and not because of a legitimate, job-related reason, it is illegal and will not be tolerated. Any recurrence of harassing conduct and any incident of suspected retaliation should be reported immediately, as outlined in this policy.
- 16.8.3 The issue of whether sexual or other harassment has occurred requires a factual determination based on all the available evidence. It is recognized that false accusations of harassment can have serious effect on innocent people. All employees are asked to continue to act in a responsible and professional manner to maintain a pleasant working environment free of harassment and discrimination. Employees who make complaints that are knowingly false or malicious will be disciplined, up to and including discharge.
- 16.8.4 Investigation of complaints shall be conducted promptly; and if the investigation reveals that a complaint is valid, prompt attention and disciplinary action designed to stop the harassment immediately and to prevent its recurrence will be taken.

- 16.9 Each Department Head/Manager shall endeavor to provide a work environment that is free from harassment and discrimination. Department Heads/Managers shall post copies of this policy and the complaint procedure developed pursuant to this policy in conspicuous places. Department Heads/Managers shall also require supervisors to inform their employees of this policy and the complaint procedure, and shall endeavor to have supervisors report instances of harassment or discrimination to their respective supervisors or the Assistant General Manager. All Department Heads/Managers, supervisors, and employees are encouraged to be aware of and sensitive to potential incidence of discrimination or harassment. Each Employee shall receive and receipt for a copy of this policy.
- 16.10 Each LEPA employee shall receive a minimum of one (1) hour of education and training during each calendar year on preventing sexual harassment in the workplace. Such education and training may be received either in-person or virtual through training and education approved by the General Manager.
- 16.11 Each Department Head shall compile an annual report by February 1<sup>st</sup> of each year containing the following information from the previous calendar year:
1. The number and percentage of employees in his department who have completed the training requirements;
  2. The number of sexual harassment complaints that have been received by his Department in the previous calendar year;
  3. The number of complaints which resulted in a finding that sexual harassment occurred;
  4. The number of complaints in which the finding of sexual harassment resulted in disciplinary or corrective action; and
  5. The amount of time taken to resolve each complaint.

These reports shall be available to the public in the manner provided by the Public Records Law.

16.12 In accordance with LA R.S. 42:343 D., this sexual harassment policy shall be posted on the LEPA website at [www.LEPA.com](http://www.LEPA.com).

\* Added 16.10, 16.11, & 16.12 by LEPA Board of Directors on August 11, 2022.