

Louisiana Real Estate Appraisers Board
State of Louisiana
Office of the Governor

JEFF LANDRY
GOVERNOR



TAYLOR F. BARRAS
COMMISSIONER OF ADMINISTRATION

SEXUAL HARASSMENT POLICY

1. **POLICY.** Louisiana Real Estate Appraisers Board (“LREAB”) and State of Louisiana employees have an expectation and right to be treated with respect and dignity and to work in a professional environment, which is free of harassment and discrimination. Harassment and discrimination, regardless of nature or degree, undermine the integrity of the employment relationship, debilitate morale, compromise equal employment opportunities, and significantly interfere with the mission of state government. LREAB strives to maintain a workplace that fosters mutual respect and promotes productive working relationships. Consequently, LREAB prohibits and does not tolerate sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any employee or other individual in the workplace.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every employee. The Executive Director and/or human resources personnel shall be notified immediately of any such occurrence so the appropriate corrective action can be implemented. LREAB seeks to reinforce its intolerance of sexually inappropriate behavior and to encourage employees who experience such behavior to promptly initiate the reporting process set forth in this policy. LREAB 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. This policy specifically addresses sexual harassment and behavior of a sexual nature in the workplace, which are collectively referred to as “sexually inappropriate behavior.”

2. **PURPOSE.** This policy is meant to:
- Unequivocally state intolerance for sexually inappropriate behavior.
 - Identify the scope of such prohibited behavior.
 - Establish effective and uniform reporting and investigation processes.
 - Trigger prompt action to protect against recurrence of the prohibited behavior.
 - Ensure resolutions that impose appropriate corrective action.

- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees.

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. It 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. §2000 *et seq*) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 *et seq*). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

3. SCOPE. This policy applies to and is equally applicable to all LREAB employees regardless of position, status, or authority. This policy also applies to non-employees, including visitors and individuals who transact business with LREAB such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behavior prohibited by this policy and are also protected from experiencing such behavior by LREAB employees. This policy applies not only to the customary workplace and work locations where LREAB employees may be assigned but also prohibits such behavior while traveling to a work location, conferences, workshops, trainings, business trips, and business-related social events. Additionally, the behavior prohibited by this policy applies to off-duty, off premises behavior, which has an impact upon and relation back to the working relationship.

4. PROHIBITED CONDUCT. Sexually inappropriate behavior takes many forms. It can be explicit and overt, such as a demand for sexual favors, or subtle and implied, such as leering and innuendo. It can be intended or unintended with the determination of inappropriateness evaluated from the perspective of a reasonable person and without regard for the purpose or motive of the accused. It can involve behavior by a person of either gender towards a person of the same or opposite gender. It can involve conduct by a supervisor or manager towards a subordinate employee or conduct by one employee towards another employee of equal, lesser, or greater rank, status, or authority. It can involve words or actions by a person external to LREAB such as a visitor, vendor, maintenance personnel, client, contractor, or consultant. Sexual harassment 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:

- Submission to such conduct is explicitly or implicitly a term or condition of employment.
- Submission to or rejection of such conduct is used as a basis for employment decisions (hiring, firing, advancement, performance evaluations, wages, duty assignments, shifts, training opportunities, or other such conditions of employment or career development).
- Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment.

However, LREAB's focus is upon a broader and more general prohibition against sexually inappropriate behavior. LREAB prohibits all sexually inappropriate behavior, regardless of severity, pervasiveness, or identifiable impact. For illustrative purposes only, sexually inappropriate behavior includes but is not limited to any of the following:

- Verbal: Unwelcomed sexual flirtations, advances, propositions, or demands; unwelcomed sexual remarks, teasing, jokes, pranks, innuendo, insults, or inquiries; sexually insensitive or derogatory comments; unwelcomed repeated requests for dates or social engagement; inappropriate comments regarding a person's physical attributes; comments regarding sexual activities, exploits, prowess, or accomplishments; use of vulgar, crude or sexually offensive language; sexually insulting noises, catcalls, or whistling; stereotypical comments; etc.
- Non-Verbal: Gestures of a sexual nature; lustful looks, staring and leering; displaying sexually revealing or suggestive pictures, cartoons, caricatures, drawings, photographs, magazines, books, graffiti, or objects; transmitting sexually oriented emails, texts, letters, writings, communications, and images.
- Physical: Unwelcomed physical contact; invading another's space by leaning over, purposefully cornering, or blocking passage; sexual assault, battery, and rape.
- Work Environment: Use of a state-owned or state-leased computer or other information technology to access the internet and/or online sites containing explicit, pornographic, or sexually harassing material; Exploiting or otherwise circumventing information technology designed to block access or exposure to any explicit, pornographic, or sexually harassing material; Any activity that creates a hostile work environment as prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, *et seq*; Any activity or material reasonably believed to violate Act 669 of the 2018 Regular Session of the Louisiana Legislature or La. R.S. 39:249.

5. PROCEDURE. LREAB recognizes that an employee experiencing sexually inappropriate behavior may be reluctant to file a complaint. However, any inquiries and questions regarding this policy will be maintained in strict confidence. In some instances, follow-up inquiries or initiation of the investigative process may be necessary even when the employee desires to maintain anonymity, requests that no action be taken, or insists that a formal complaint not be lodged. LREAB recognizes that implementation of a policy prohibiting sexually inappropriate workplace behavior standing alone is insufficient to prevent and address such behavior. To support this policy and create a culture wherein employees willingly report concerns and lodge complaints, LREAB requires, at a minimum, the following:

- Upon hiring, all new employees will be informed of and instructed to carefully review this policy. New employees shall address any concerns or uncertainties regarding their responsibilities pursuant to this policy with human resources personnel.
- Within thirty (30) days of the hiring date, all new employees are required to complete the sexual harassment training mandated for state employees. All employees, on an annual basis thereafter, are required to complete the sexual harassment training mandated for state employees. Documentation of such completion shall be kept in the employee's personnel file.

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. Prompt initiation of the investigation enhances the ability to identify witnesses and preserve evidence and protects against faltering

memories occasioned by the passage of time. LREAB does not require a fixed reporting time or deadline – immediate reporting is ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal or in writing and need not utilize a specific form. Most importantly, LREAB does not require a rigid reporting protocol. The report should be made to the board’s Executive Director and/or human resources personnel. Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much accurate detail as possible including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without a sufficient level of detail, the ability to conduct a thorough investigation may be impeded.

6. COMPLAINTS. An employee experiencing unwelcomed behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, if the behavior continues, the concern should be reported promptly. LREAB recognizes that confronting an offender in this fashion can be discomfiting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, LREAB does not require employees to do so and certainly does not require that this be done before submitting a report. All reports and complaints of sexually inappropriate behavior will be directed to the Executive Director and/or human resources personnel. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be done to determine whether action should be taken to prevent further occurrence of offensive behavior. For example, it may be appropriate to authorize leave or temporarily reassign personnel.

The investigation will begin as soon as practicable to evaluate the information and ensure thoroughness. Generally, the investigation will begin with an interview of the complainant, who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information has been evaluated, the accused will be interviewed. All individuals called upon to participate in the investigation are required to fully cooperate and provide truthful responses. Those questioned may be required to prepare a written statement or provide a recorded statement. Refusal to do so may result in discipline, including but not limited to termination of employment.

The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview shall remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.

Employees shall understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. Upon conclusion of the investigation, the

complainant and accused will be apprised of the outcome. LREAB's decision is final and concludes its internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights, which may be contacted as follows:

EEOC Dist. Office, Hale Boggs Federal Bldg. 500 Poydras Street, Suite 809 New Orleans, LA 70130 Ph: 800-669-4000 Fax: 504-595-2844 https://www.eeoc.gov/	LCHR 1001 N. 23 rd Street, Suite 268 Baton Rouge, LA 70804 Ph: 225-342-6969 Fax: 225-342-2063 http://gov/page/lclu
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In any event, a LREAB employee may contact any of the following to file the complaint:

Summer S. Mire, Executive Director LREAB 9071 Interline Avenue Baton Rouge, LA 70809 Phone: 225-925-1923 SMire@lrec.gov	LA Department of Health Health Standards Section P.O. Box 3767 Baton Rouge, LA 70821 225-342-0138; 888-810-1819 hss.mail@la.gov
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Committee on House & Governmental Affairs Louisiana House of Representatives P.O. Box 44486 Baton Rouge, LA 70804 225-342-2403	Committee on Senate & Governmental Affairs Louisiana Senate P.O. Box 94183 Baton Rouge, LA 70804 225-342-9845
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Given the wide range of behaviors prohibited by this policy, the resolution decided upon by executive management will be determined by several factors. Most notably, the nature, circumstances, frequency, and severity of the behavior, and whether the behavior recurs after having been previously addressed will heavily influence the action to be taken. Complainants can be assured that any employee proven, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to appropriate corrective action. This may include but not be limited to counseling, reprimand, suspension, reduction in pay, demotion, or dismissal. In conjunction with such corrective actions, other appropriate measures, including but not limited to additional training, relocation, reassignment, job restructuring, etc., may be utilized to protect against the recurrence of inappropriate behavior.

LREAB maintains an affirmative duty to protect its employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior, as well as those individuals providing information or participating in the investigative process. The Executive Director and/or human resources personnel will follow-up with the complainant to determine whether there has been a recurrence of the behavior complained of or whether the complainant has suffered any adverse consequence for having filed

a complaint. Follow-up inquiries will seek to identify readily identifiable repercussions such as disciplinary action, poor performance evaluation, ostracism, avoidance, non-inclusion, etc. It is the responsibility of all employees to ensure compliance with this policy. Employees must realize that reporting the behavior prohibited by this policy is mandatory. Complaints must be truthful and made in good faith. Cooperative participation and candor in the investigative process are mandatory.

7. **VIOLATIONS.** Given the devastating impact that sexual harassment and sexually inappropriate workplace behavior have on working relationships, LREAB will consistently address violations of this policy. After investigation and satisfaction of due process requirements, corrective action may be imposed for any of the following:

- Failure to comply with mandatory training requirements.
- Failure by a supervisor or manager to timely report a complaint of sexually inappropriate behavior to the Executive Director and/or human resources personnel.
- Failure to participate or cooperate in the investigative process.
- Withholding or providing false information during questioning.
- Filing a false, malicious, or frivolous complaint.
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process.