

POLICY PROHIBITING HARASSMENT

LOUISIANA REVISED STATUTE

The French Quarter Management District (FQMD) in compliance with Louisiana Revised Statute 42:342-344 has developed and instituted a policy to prevent sexual harassment which is applicable to all public servants working for the agency and commissioners which serve on its governing board.

STATEMENT OF POLICY

HARASSMENT POLICY

The FQMD is committed to a workplace free from unlawful discrimination, which includes harassment on the basis of race, color, religion, creed, national origin, citizenship status, ancestry, gender, sex, age, mental or physical disability, sexual orientation, marital status, genetic information, political affiliation, or veteran status or any other protected status or classification under federal, state and local law.

For purposes of this policy, "harassment" means unwelcome verbal communication or physical contact because of race, color, religion, creed, national origin, citizenship status, ancestry, gender, sex, age, mental or physical disability, sexual orientation, marital status, genetic information, political affiliation, or veteran status or any other protected status, which unreasonably interferes with a person's work performance or which creates and intimidating, hostile, or offensive work environment.

"Harassment" includes "sexual harassment," which means unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal or physical conduct or communication of a sexual nature.

The FQMD does not condone, either explicitly or implicitly, and will not tolerate, harassment of any kind by anyone in the organization or others, including clients, vendors, independent contractors, applicants for employment, or visitors to the workplace.

If you believe that you have been the victim of harassment or discrimination in the workplace, you should take the following steps:

- Report and discuss the matter with the Executive Director (if the Executive Director is the victim, s/he should report it and discuss it with the Board Chair and/or Vice Chair);
- If you believe the Executive Director to be the source or a participant in the harassment, report the incident to the Board Chair.

The FQMD will investigate and attempt to resolve your complaint, as well as take any warranted disciplinary action, as soon as possible.

HARASSMENT BASED ON A CLASSIFICATION

Harassment based on race, color, religion, creed, national origin, citizenship status, ancestry, gender, sex, age, mental or physical disability, sexual orientation, marital status, genetic information, political affiliation, or veteran status

French Quarter MANAGEMENT DISTRICT

is also prohibited under this policy. As with sexual harassment, harassment based on any of these categories may include physical, verbal, or nonverbal conduct.

Examples of actions that may constitute harassment in violation of this policy include racial or ethnic epithets, slurs, jokes, or negative stereotyping. Taunting or displaying written materials or communications demonstrating hostility toward a person because of his/her race, color, religion, creed, national origin, citizenship status, ancestry, gender, sex, age, mental or physical disability, sexual orientation, marital status, genetic information, political affiliation, or veteran status are other examples of prohibited conduct in violation of this policy.

While not all unwelcome conduct of a discriminatory or harassing nature may rise to the level of constituting illegal conduct, FQMD policy seeks to prevent all discriminatory or harassing conduct in the workplace.

RETALIATION POLICY

The FQMD also prohibits retaliation against a job applicant or an employee who has made a good faith discrimination, harassment or retaliation complaint; opposed a prohibited practice in violation of this policy; or participated, in any manner, in an investigation or other proceedings about a prohibited practice in violation of this policy.

The Executive Director and/or Chair will investigate all allegations of harassment promptly. To protect the interests of the complainant, the person complained against, witnesses, any other person who may report any incident of harassment, and all other persons affected, confidentiality will be maintained to the extent practicable and appropriate under the circumstances.

The Executive Director and/or Chair will conduct a prompt, thorough, and impartial investigation into any allegations of harassment.

DISCRIMINATION, HARASSMENT & RETALIATION COMPLAINT PROCEDURE POLICY

If a FQMD employee believes s/he is being discriminated against, harassed, or retaliated against in violation of these policies by an employee, co-worker, supervisor, FQMD Board member, consultant, donor, vendor, or visitor, the employee has an obligation to file a complaint with the Executive Officers. All FQMD employees and Board members are expected to cooperate in the FQMD's investigations of such a complaint. Additionally, each person has a duty to report conduct that the employee believes may constitute discrimination, harassment or retaliation. Unless an employee reports each known instance of discrimination, harassment, or retaliation, the Executive Officers will not know that its intervention is necessary.

If an employee would like to file a complaint, the employee must report the incident to the Executive Director, Chair, and/or Vice Chair.

If an employee informs the Chair or Vice Chair of conduct s/he believes to be in violation of this policy and the employee does not get an immediate response that s/he finds appropriate, the employee must immediately advise the Executive Officers in writing about the reported incident and the lack of an immediate and/or an appropriate response. Each employee has not only a right, but also a duty, to report conduct immediately which the employee believes may constitute harassment, discrimination, or retaliation in violation of this policy. The FQMD Board will not condone or authorize any kind of retaliation against any employee who has made a good faith report of conduct which s/he believes is in violation of this policy.

French Quarter MANAGEMENT DISTRICT

The report should be as specific as possible, including the names of person(s), a description of the conduct, and the effect that the conduct is having on the employee's working conditions and/or work performance, and the names of any witnesses who could assist in the investigation. The employee's further participation in the investigation may be necessary, and the employee will be informed of the outcome.

The FQMD's policy is to investigate all complaints thoroughly and promptly. To the extent practicable, the FQMD will keep complaints confidential. If an investigation confirms that harassment, discrimination, or retaliation has occurred, the FQMD will take appropriate corrective action, up to and including termination of employment.

Because of the seriousness with which the FQMD views harassment, discrimination, and retaliation and because of the severity of the penalties that may be imposed on an offender, a false accusation will not be tolerated. However, this statement is not intended to discourage an employee from coming forward with any good faith complaint. The FQMD recognizes and expects that some claims may be difficult to prove or support, or may not in fact be found to rise to the level of seriousness deemed necessary to constitute sexual harassment, discrimination, or retaliation in violation of this policy. However, anyone found to have purposefully and intentionally brought an allegation that they know to be untrue will be deemed to have made a false accusation and will be subject to immediate disciplinary action, up to and including termination.

MANDATORY TRAINING REQUIREMENTS

- All employees, including part-time employees, and Board members are required to complete the online course in Board of Ethics LEO "Preventing Sexual Harassment" training within 60 days of their appointment and by December 31st each year thereafter.
- Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31st. The additional education and training may be received either in person or through an online course approved by the Ethics Administrator.
- The Administrative Coordinator for Human Resources shall maintain records of compliance for each employee of the agency
- Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.

REPORTING

Beginning in 2020, an annual report will be compiled and submitted to the Division of Administration by February 1st of each year containing information from the previous calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees and commissioners who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- 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 accordance with the Public Records Law.