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SEXUAL HARASSMENT POLICY

INTRODUCTION

It is the goal of the Caddo-Bossier Parishes Port Commission (the “CBPC”) to promote a workplace that is free of sexual harassment. The CBPC Sexual Harassment Policy applies to all employees at all levels of the CBPC. Sexual harassment of employees occurring in the workplace, or in other settings in which employees may find themselves in connection with their employment, is unlawful and will not be tolerated by the CBPC. Further, any retaliation against an individual who has filed a sexual harassment complaint is similarly unlawful and will not be tolerated. To achieve the CBPC’s goal of providing a workplace free from sexual harassment, the CPBC will not tolerate the conduct that is described in this policy, and has provided a procedure by which disciplinary action will be taken if sexual harassment is encountered by its employees.

Because the CBPC takes allegations of sexual harassment seriously, the CBPC will respond promptly to complaints of sexual harassment and, where it is determined that such inappropriate conduct has occurred, act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action. Please note that while this policy sets forth the CBPC’s goals of promoting a workplace that is free of sexual harassment, this policy is not intended to limit the CBPC’s authority to discipline, or take remedial action, for workplace conduct which it deems unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

DEFINITION OF SEXUAL HARASSMENT

“Sexual harassment” is unwelcome conduct of a sexual nature that is sufficiently persistent or offensive to unreasonably interfere with an employee’s job performance or create an intimidating, hostile or offensive work environment. Sexual harassment is defined by the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- (a) submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
- (b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- (c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Under Title VII of the Civil Rights Act of 1964, there are two types of sexual harassment: quid pro quo and hostile work environment. Sexual harassment can be physical and psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing. Employees are prohibited from harassing other employees whether or not the incidents of harassment occur on employer premises and whether or not the incidents occur during working hours.

EXAMPLES OF SEXUAL HARASSMENT

Though sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include the following:

- Physical assaults, or attempts to commit physical assaults, of a sexual nature; and intentional physical conduct that is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking another employee's body;
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee or engage in sexual activity for compensation or reward;
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention or conduct, or intentionally making performance of the employee's job more difficult because of that employee's sex; and/or
- Sexual or discriminatory displays or publications anywhere in the CBPC workplace by a CBPC employee.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by the CBPC.

RESPONDING TO CONDUCT IN VIOLATION OF SEXUAL HARASSMENT POLICY

If any CBPC employee believes he or she has been subjected to sexual harassment, or any unwelcome sexual attention, he or she may address the situation

directly and immediately to the harasser, if possible. If the inappropriate conduct does not cease, or if the employee is unable to, or uncomfortable with addressing the alleged harasser directly, he or she should report the incident to his or her Supervisor, the Director of Finance and Human Resources, the Executive Port Director or the President of the CBPC. It is helpful, but not required, to provide a written record of the date, time and nature of the incident(s) and the names of any witnesses.

It is important to report any and all concerns of sexual harassment or inappropriate sexual conduct to your Supervisor, the Director of Finance and Human Resources, the Executive Port Director or the President of the CBPC as soon as possible. The CBPC must be made aware of the situation so that it can conduct an immediate and impartial investigation and take appropriate action to remediate or prevent the prohibited conduct from continuing.

Managers and Supervisors who knowingly allow or tolerate sexual harassment or retaliation, including the failure to immediately report such misconduct to the Director of Finance and Human Resources, are in violation of this policy and subject to discipline.

HUMAN RESOURCES

The Director of Finance and Human Resources is responsible for the following:

- Ensuring that both the individual filing the complaint, hereinafter referred to as the “complainant”, and the accused individual, hereinafter referred to as the “respondent” are aware of the seriousness of a sexual harassment complaint;
- Explaining the CBPC’s sexual harassment policy and investigation procedures to the complainant and the respondent;
- Exploring informal means of resolving sexual harassment complaints;
- Notifying the police if criminal activities are alleged;
- Notifying the General Counsel and Chief Legal Officer or independent counsel to investigate the alleged harassment and request the preparation of a written report;
- Submitting a written report summarizing the results of the investigation and making recommendations to the CBPC; and
- Notifying the complainant and the respondent of the corrective action to be taken, if any, and administering those actions.

COMPLAINT RESOLUTION PROCEDURES

An employee should report complaints of conduct believed to violate the CBPC's sexual harassment policy according to the policy's complaint procedures. To initiate a formal investigation into an alleged violation of this policy, employees are required to provide a written statement on the Harassment Reporting Form about the alleged misconduct to the Director of Finance and Human Resources, the Executive Port Director or the President of the CBPC. Complaints should be submitted as soon as possible after an incident has occurred. The Director of Finance and Human Resources may assist the complainant in completing the statement.

To ensure the prompt and thorough investigation of a sexual harassment complaint, the complainant should provide as much of the following information as possible:

- The name, department and position of the person or persons allegedly causing the harassment;
- A description of the incident(s), including the date(s), location(s) and presence of any witnesses;
- The effect of the incident(s) on the complainant's ability to perform his or her job, or other terms or conditions of his or her employment;
- The names of other individuals who might have been subjected to the same or similar harassment;
- What, if any, steps the complainant has taken to try to stop the harassment; and
- Any other information the complainant believes to be relevant to the harassment complaint.

CONFIDENTIALITY

All inquiries, complaints and investigations are treated confidentially. Information is revealed strictly on a need-to-know basis. Information contained in a formal complaint is kept confidential. However, the identity of the complainant is usually revealed to the respondent and witnesses. The Director of Finance and Human Resources will take adequate steps to ensure the complainant is protected from retaliation during the period of investigation. All information pertaining to a sexual harassment complaint or investigation is maintained by the General Counsel and Chief Legal Officer in a secure file. The General Counsel and Chief Legal Officer may answer any questions relating to the procedures for handling information related to sexual harassment complaints and investigations to complainants and respondents.

SEXUAL HARASSMENT INVESTIGATION

Upon receipt of a sexual harassment complaint by the Director of Finance and Human Resources, the General Counsel and Chief Legal Officer or independent counsel will promptly investigate the allegations in a fair and expeditious manner. The investigation will be conducted in such a manner as to maintain confidentiality to the extent practicable under the circumstances. Employees should be aware; however, that information must be shared for an effective investigation to be conducted.

DISCIPLINARY ACTION

If it is determined that inappropriate conduct has been committed by a CBPC employee, the CBPC will take such action as is appropriate under the circumstances.

Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action, as the CBPC deems appropriate under the circumstances.

OTHER AVAILABLE PROCEDURES

The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of sexual harassment under local, state or federal law.



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HARASSMENT REPORTING FORM

The Caddo-Bossier Parishes Port Commission (the “Commission”) is committed to providing a work environment free of unlawful harassment. In furtherance of this commitment, the Commission strictly prohibits all forms of unlawful harassment.

If an employee feels that he or she is being harassed in violation of Secion 7:19 of the Commission’s Employee Handbook and/or Sexual Harassment Policy by another employee, supervisor, manager or third party doing business with the Commission, the employee should immediately contact one or more of the following individuals: a) his or her Supervisor; b) the Director of Finance and Human Resources; c) the Executive Port Director; or d) the President of the Commission.

Employees’ notification to the Commission is essential in preventing workplace harassment. Employees may be assured they will not be penalized in any way for reporting an incident of unlawful harassment.

To report incidents, employees may use the form below.

Complainant Information:

Name: _____

Job Title: _____

Department: _____

Information regarding the alleged incident:

Date of incident: _____ Approximate Time: _____

Location of incident: _____

Witness(es), if applicable: _____

Information regarding the person who engaged in the alleged harassment:

Name: _____

Department: _____

Position: _____

Please give the name of other individuals who might have been subjected to the same or similar harassment, if applicable.

What steps did you take to try to stop the harassment?

Please give any other information you believe to be relevant to this harassment complaint.

Complainant Signature

Date

For use by Human Resources Department ONLY:

Commission Representative

Date Received

Title