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§342. Mandatory policy prohibiting sexual harassment

A. Each agency head shall develop and institute a policy to prevent sexual harassment which is applicable to all public servants in the agency.

B. At a minimum, the policy shall contain all of the following:

(1) A clear statement that unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constitute sexual harassment when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment and shall not be tolerated.

(2) A description of the behavior the agency defines as inappropriate conduct, including examples.

(3) An effective complaint or grievance process that includes taking immediate and appropriate action when a complaint of sexual harassment involving any public servant in the agency is received. The complaint process shall detail who may make a complaint, to whom a complaint may be made, and shall provide for alternative designees to receive complaints. Actions taken on the complaint shall be documented.

(4) A general description of the investigation process, including requiring the alleged sexual harasser and the alleged victim to participate in the investigation.

(5) A clear prohibition against retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment.

(6) A general description of the possible disciplinary actions which may occur after the conclusion of the investigation, including the possible disciplinary actions that may be taken against a complainant if it is determined that a claim of sexual harassment was intentionally false.

(7) A statement apprising public servants of applicable federal and state law on sexual harassment, including the right of the complainant to pursue a claim under state or federal law, regardless of the outcome of the investigation.

Acts 2018, No. 270, §1, eff. January 1, 2019; Acts 2019, No. 413, §1, eff. Jan. 1, 2020.