

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF BASTROP, LOUISIANA,

Defendant.

Civil Action No.CV01-0116 M

CONSENT DECREE

This action was brought by the United States against the City of Bastrop, Louisiana ("City" or "Defendant") to enforce the provisions of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, as amended ("Title VII"). In its Complaint, the United States alleges that the City has discriminated against Kimberly Mullins, a white female formerly employed as an operator in the City's Streets Department, because of her race, white, and her sex, female, in violation of Section 703(a) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Section 2000e-2(a).

The parties, desiring to appropriately settle this action, agree to the jurisdiction of this Court over them and the subject matter of this action, and hereby waive the entry of findings of fact and conclusions of law. The parties, desiring to avoid protracted and unnecessary litigation, also accept this Consent Decree ("Decree") as final on the issues resolved in this Decree. This Decree, being entered with the consent of the parties, shall not constitute an admission, adjudication or finding on the merits of this action, and the City denies that any unlawful discrimination has occurred.

In resolution of this action, the parties hereby AGREE and the Court expressly APPROVES, ENTERS and ORDERS the following:

I. DEFINITIONS AND PARTIES

1. The parties to this Decree are the United States, by the Department of Justice ("United States") and the City of Bastrop, Louisiana.
2. The City of Bastrop, Louisiana, its Department of Public Works, its Streets Department, and its current, former and future agents, employees, officials, designees and successors in interests are referred to hereinafter as "Bastrop" or "the City."
3. The terms "supervisor" and "administrator" include the Mayor of Bastrop. Kimberly A. Mullins is referred to hereinafter as "Ms. Mullins."
4. The Equal Employment Opportunity Commission is referred to hereinafter as "EEOC." Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, *et seq.*, is referred to hereinafter as "Title VII."

5. "Sexual harassment" includes, but is not limited to: unwelcome sexual advances, requests for sexual favors, verbal, physical or other conduct of a sexual nature, or acts of gender-based animosity or hostility (whether or not sexual in nature), any of which creates or tends to create a hostile work environment based on sex for an employee or employees of the City.
6. "Racial harassment" includes, but is not limited to: unwelcome racial comments, use of racial slurs, jokes or derogatory descriptions of an employee (or others with whom the employee associates), racially derogatory descriptions or comments regarding other members of an employee's racial group in the presence of that employee, derogatory or adverse treatment that is not explicitly racial in nature when it is motivated by racial animus, any of which creates or tends to create a hostile environment based on race for an employee or employees of the City.
7. "Day" or "days" refers to calendar and not business days.
8. "Date of entry of this Decree" refers to the date that the Court gives final approval to this Decree by signing and entering the Decree as an Order of the Court.

II. PURPOSES OF THIS Decree

9. The purposes of this Decree are to ensure that:

- a. employees in the City are not subjected to sexual or racial harassment;
- b. all complaints of sexual or racial harassment filed by City employees are investigated fairly and promptly by City supervisors or the City's Human Resources Director, and that the City takes appropriate disciplinary action, up to and including termination, against: (1) employees who engage in acts of sexual or racial harassment and (2) supervisors in the Streets Department who fail promptly to report or to take action to prevent such conduct from occurring among employees under their supervision; and
- c. employees in the City are not retaliated against or in any respect adversely affected for opposing employment practices that they reasonably believe constitute sexual or racial harassment, making a complaint alleging such practices, or cooperating with the investigation of any such complaint;
- d. the City adopts and maintain a clear, meaningful and well-publicized policy prohibiting sexual and racial harassment that includes provisions regarding the responsibilities of supervisors to report and respond to complaints of sexual or racial harassment, provides employees with multiple avenues for registering complaints, and includes specific schedules of graduated disciplinary measures associated with the type and number of violations of these policies;
- e. the City provides adequate training to all City employees, and to all City officials responsible for making determinations regarding complaints of sexual and racial harassment, with regard to workplace sexual and racial harassment prohibited by Title VII; and
- f. the City provides Ms. Mullins monetary relief sufficient to make her whole for the losses she has suffered because of her inability to work and the medical treatment she has required as a result of the allegedly hostile environment based on race and sex, and appropriate compensatory damages as provided for in Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

III. RELIEF FOR KIMBERLY MULLINS

10. Through a separate agreement between Ms. Mullins (represented by private counsel) and the City of Bastrop, to which the United States is not a party, the City has offered Ms. Mullins \$100,000 in settlement of her claims for relief, including compensatory damages. The City's offer of \$100,000 to Ms. Mullins, which Ms. Mullins has accepted, fully satisfies the United States' interests in obtaining individual relief on behalf of Ms. Mullins pursuant to the United States' claims for relief stated in (a)(i) and (b) of the prayer for relief in the Complaint.

IV. GENERAL INJUNCTIVE RELIEF

11. Defendant City, its employees, supervisors, agents and all individuals in active concert or participation with it, are enjoined from:

- a. subjecting any employee in the City to sexual or racial harassment;
- b. creating, facilitating, or tolerating sexual or racial harassment or a sexually or racially hostile work environment in the City;
- c. retaliating against or in any respect adversely affecting any employee in the City because that individual has opposed employment practices that the individual reasonably believes are discriminatory, filed a complaint or charge alleging discriminatory employment practices, or cooperated with the investigation of any such complaint or charge (including cooperating with the United States' investigation of EEOC charge No. 270-98-1206 or this lawsuit).

V. REVISION AND ADOPTION OF CITY HARASSMENT POLICIES AND PROCEDURES

12. No later than thirty (30) days after the date of entry of this Decree, the City shall issue and distribute to all current City employees the revised "Sexual and Racial Harassment/Employment Discrimination Policy" attached hereto as Exhibit 1. No later than (30) days after the date of entry of this Decree, the Mayor and Board of Alderpersons shall take all necessary actions to adopt Exhibit 1 as a policy of the City. No later than forty-five (45) days after the date of entry of this Decree, the City shall provide the United States with written confirmation that it has completed issuance and distribution of the revised Policy.

13. For all future employees, the City shall issue and distribute the revised Sexual and Racial Harassment/Employment Discrimination Policy (attached hereto as Exhibit 1) within fifteen (15) days of the employee's hire. The City shall require all current and future employees to sign and date an acknowledgment of receipt of this Policy when the employee obtains a copy of the Policy.

14. The City shall post the revised Sexual and Racial Harassment/Employment Discrimination Policy in a prominent, conspicuous, centrally-located place commonly used for posting notices (e.g., bulletin boards) in all City buildings and facilities and in the City's administrative offices.

15. Within thirty (30) days of the date of entry of this Decree, the City shall amend its General Personnel Policies to include the following language:

HARASSMENT

The City forbids harassment of employees because of age, race, sex, color, religion, disability, or national origin, or because an employee has made a formal or informal complaint about discrimination or harassment based on any of those characteristics (retaliatory harassment). "Harassment" is defined as

behavior that may reasonably be expected to offend an employee, to interfere with his or her performance of job duties, or that an employee has indicated is actually unwelcome or offensive. This type of behavior is unacceptable, and even in mild forms, such harassment constitutes unsatisfactory job performance and is subject to disciplinary action. More serious instances of harassment will carry more severe penalties, up to and including dismissal.

If an employee believes he or she has been subjected to harassment because of age, race, sex, color, religion, disability, national origin, or as a form of retaliation for a complaint of harassment, that employee may bring a complaint to the attention of any City supervisor or administrator, or to the designated EEO Monitor, Mr. Charles Underwood, who may be reached at [CONTACT PHONE NUMBER]. If the employee contends that the supervisor or administrator committed, participated in, or allowed the alleged harassment, then the employee may bring a complaint directly to the attention of the Mayor. All complaints of harassment should be made as promptly as possible, but will be accepted at any time.

The City has created a specific policy on sexual and racial harassment. All complaints of sexual and racial harassment will be handled in accordance with this policy. This policy statement is posted on City departmental bulletin boards and, in addition, copies are available at employees' request.

16. Within thirty (30) days of the date of execution of this Decree, the City also shall amend the "Employee Grievances" section (part VIII) of its General Personnel Policies to state as follows:

Any employee who wishes to file a complaint, make known a grievance, or appeal a disciplinary action (*other than a complaint of sexual harassment, racial harassment or other forms of employment discrimination described in the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination Policy, or disciplinary actions taken under that Policy*), may do so by use of the following procedure:

* * *

d. In the event that an employee wishes to file a complaint, make known a grievance, or appeal a disciplinary action with respect to racial or sexual harassment or employment discrimination, the employee shall follow the complaint procedures outlined in the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination Policy.

17. The City shall forward a copy of the amendment to its General Personnel Policy described in Paragraphs 15 and 16 to the United States within forty-five (45) days of the date of execution of this Decree.

VI. TRAINING AND EVALUATION

18. Within ninety (90) days of the date of entry of this Decree, the City shall provide, at its own cost, mandatory training regarding racial and sexual harassment to all City employees. This training shall be held in three sessions, as outlined in section XII (Training) of the City's revised Policy, and shall be conducted by an instructor or organization who is qualified to provide such training. If necessary to accommodate the number of City employees or to ensure that employees who are unable to attend a particular training session receive training, the City shall offer additional training sessions at alternative times or dates at its own cost.

19. The United States and the City have agreed that Dr. Bruce Walker shall be retained to provide the

sexual and racial harassment training required pursuant to the terms of this Decree. Within 30 days of the entry of the Decree, if it has not already done so, the City shall enter into an agreement with Dr. Walker setting forth the compensation to be provided to Dr. Walker for his training services, and incorporating by reference the training requirements set forth in this Decree.

20. If at any time during the time period for which this Decree remains in effect, Dr. Walker is no longer willing or able to provide training services, or the City determines that a different trainer is required, before a new training instructor or organization is selected and/or retained, Bastrop shall inform the United States, in writing, of the intended selection, and shall forward a resume or other document setting forth the instructor's or organization's qualifications to provide such training. If the United States agrees that the instructor or organization is qualified, the instructor or organization shall be selected and/or retained to conduct the training. If the United States objects to the selection, the United States and Bastrop shall each continue to propose qualified instructors and/or organizations until a mutually agreeable one is selected. If the parties cannot agree on a training instructor or organization within ninety (90) days after the City first proposes such a **new** instructor or organization, the matter shall be submitted to the Court for resolution pursuant to paragraph 31 of this Consent Decree.

21. The training described in paragraph 18 shall, at a minimum, instruct employees on what acts may constitute racial harassment and sexual harassment, the relevant City policies, and the procedures for reporting complaints of racial harassment and sexual harassment. The training for supervisory employees shall include instruction on supervisors' duties to detect and prevent sexual and racial harassment, the procedures for reporting and investigating complaints of sexual and racial harassment, and their duties to promptly forward any formal or informal reports of racial or sexual harassment brought to their attention to the individual or individuals responsible for responding to such reports on the City's behalf.

22. During the training, all City employees shall be provided a copy of the revised Sexual and Racial Harassment/Employment Discrimination Policy attached hereto as Exhibit 1. All City employees shall sign and date an acknowledgment of attendance for any and all training instituted by the City concerning racial and sexual harassment and shall sign and date an acknowledgment that they have received a copy of the racial and sexual harassment policy upon obtaining that policy.

23. After the initial training session(s), for a period of five years from the effective date of this Decree, the City shall hold annual mandatory sexual and racial harassment training for all City employees. Those training sessions shall include the same information described in paragraph 21 above, and all of the same requirements shall apply.

24. Bastrop shall adopt, as a criterion for evaluating the performance of all of its employees who have supervisory or managerial authority over other employees, a factor that takes into account such an employee's awareness of EEO requirements and procedures, and that employee's commitment to enforcing the City's sexual and racial harassment policies.

VII. APPOINTMENT OF EQUAL EMPLOYMENT OPPORTUNITY MONITOR

25. The United States and the City shall jointly move the Court to appoint Charles Underwood as Equal Employment Opportunity ("EEO") Monitor at the same time the parties jointly submit this Decree to the Court for its approval. Within thirty (30) days of the entry of an order by the Court appointing Mr. Underwood as EEO Monitor, he shall undergo a minimum of 8 hours of training with Dr. Bruce Walker

regarding sexual harassment, racial harassment, and retaliation, and appropriate methods of investigating allegations of such conduct arising from the City's Streets Department.

26. If, at any time while this Decree remains in effect, Mr. Underwood is no longer able to serve as EEO Monitor, before a EEO Monitor is selected and/or retained, the City shall inform the United States, in writing, of the intended selection, and shall forward a resume or other document setting forth the proposed EEO Monitor's qualifications. If the United States agrees that the proposed individual is qualified to serve as EEO Monitor, the parties shall jointly move the Court to appoint the new individual as the EEO Monitor instead of Mr. Underwood. If the parties cannot agree on a training instructor or organization within ninety (90) days after the City first proposes a new EEO Monitor, the matter shall be submitted to the Court for resolution pursuant to paragraph 31 of this Decree.

27. The EEO Monitor appointed by the Court pursuant to this Decree shall be designated as an individual capable of receiving complaints of sexual harassment, racial harassment, and retaliation from employees in the City's Streets Department, as set forth in the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination Policy. The EEO Monitor shall investigate all complaints of sexual harassment, racial harassment and retaliation received directly from employees or referred to the Monitor by City supervisors or officials, as set forth in the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination Policy, and shall recommend disciplinary action, when appropriate, pursuant to that Policy.

28. The EEO Monitor shall be present at each training session held pursuant to paragraph 18, and shall introduce himself or herself to the employees and supervisors in the Streets Department as a person designated to receive complaints of racial harassment, sexual harassment, and retaliation. The EEO Monitor shall distribute his or her name and phone number, in writing, to employees and supervisors in the Streets Department during each of these training sessions.

VII. COMPLIANCE MONITORING

29. For a period of five years from the effective date of this Decree, the United States may request, at its discretion, an annual report containing a description of any sexual and racial harassment complaints received from employees within the Department of Public Works, including the Streets Department, and copies of attendance sheets and any course materials used in connection with the annual harassment training. The City shall retain during the life of this Decree all documents that come into its possession relating to charges of sexual or racial harassment filed against the City or any employee of the City and documents relating to the training established under this Decree.

30. The United States may review compliance with this Decree at any time. If the United States believes that this Decree or any portion of it has been violated, it will raise its concerns with Bastrop and the parties will attempt to resolve the concern(s) in good faith. Bastrop will be given thirty (30) calendar days to cure any breach of this Decree prior to the institution of any enforcement action.

VIII. DISPUTE RESOLUTION

31. The parties shall attempt to resolve informally any dispute that arises under this Decree. If the parties are unable to resolve the dispute expeditiously, either party may move the Court for a resolution of the

issue, provided that written notice has been provided to the other party.

IX. JURISDICTION OF THE COURT

32. The Court shall maintain jurisdiction over this case throughout the duration of this Decree for purposes of resolving disputes between the parties with respect to the terms or implementation of the Decree.

33. Failure by the United States to enforce this entire Decree or any provision thereof with regard to any provision herein shall not be construed as a waiver of its right to do so with regard to other provisions of this Decree.

X. MODIFICATION OF DECREE

34. At any time during the pendency of this Decree, the parties may mutually agree to modify any provision of this Decree, subject to approval by the Court. Should modification be desired by either party but opposed by the other, either party may submit the matter to the Court pursuant to paragraph 31.

35. This Decree is a public document and constitutes the entire agreement between the parties on the matters raised herein. No other statement, promise or agreement, either written or oral, made by either party or agents of either party, that is not contained or referenced in this written Decree, shall be enforceable. Copies of this Decree shall be made available to any person by either party upon request to that party.

XI. EFFECTIVE DATE/TERMINATION DATE

36. The effective date of this Decree is the date of the entry of the Decree by the Court. The termination date is five years after the effective date, or the date on which Bastrop provides any report requested by the United States pursuant to paragraph 29 whichever is later.

XII. GENERAL PROVISIONS

37. The United States and the City shall bear their own costs, expenses and attorney's fees in this action, except that the parties shall retain the right to seek costs for any matter which, in the future, may arise from this Decree and require resolution by this Court.

38. All documents required to be delivered under this Decree to the United States shall be sent to the following address: Chief, Employment Litigation Section, Civil Rights Division, U.S. Department of Justice, P.O. Box 65968, Washington, D.C., 20035-5968.

39. A signatory to this document in a representative capacity for either party represents that he or she is authorized to bind that party to this Decree.

For the City of Bastrop: For the United States

**Department of Justice:
RALPH F. BOYD, JR.
Assistant Attorney General
Civil Rights Division**

L. DOUGLAS LAWRENCE By: WILLIAM B. FENTON

Counsel for the City JODI B. DANIS

of Bastrop Attorneys

P.O. Box 1485 Employment Litigation Section

Bastrop, Louisiana 71221-1485 Civil Rights Division

U.S. Department of Justice

P.O. Box 65968

Washington, D.C. 20530-5968

(202) 514-0548

Dated: Dated:

DONE AND ORDERED this day of , 2001

Judge Robert G. James

United States District Judge

Judge James D. Kirk

United States Magistrate Judge

EXHIBIT 1

CITY OF BASTROP, LOUISIANA

SEXUAL AND RACIAL HARASSMENT/EMPLOYMENT DISCRIMINATION POLICY

DATE: [Month and Day], [Year]

I. PURPOSE

This document sets forth the policy of the City of Bastrop ("the City") prohibiting sexual and racial harassment, as well as other forms of employment discrimination prohibited by Title VII (i.e., discrimination on the basis of race, color, religion, sex, and national origin, and retaliation) in the workplace. This policy is effective immediately and applies to all of the City's employees.

This policy establishes procedures and methods for department heads, managers, supervisors and employees to individually pursue a work environment free from sexual harassment, racial harassment, retaliation and other forms of employment discrimination prohibited by Title VII (hereinafter referred to as "other forms of employment discrimination").

The City of Bastrop, the Mayor, City Clerk, and Board of Aldermen, and their officials, agents and representatives, in recognition of their duty to combat racial harassment, sexual harassment, retaliation and other forms of employment discrimination in the workplace, are committed to the vigorous enforcement of this policy. Employees who engage in conduct in violation of this policy shall be subject to discipline up to and including dismissal.

II. SCOPE

The City of Bastrop recognizes that sexual harassment, racial harassment, retaliation and other forms of employment discrimination are unlawful employment practices in violation of Title VII of the Civil Rights Act of 1964, as well as other laws. Therefore, this policy shall apply to ALL departments, including contractors, vendors, consultants and others who conduct business with the City.

III. DEFINITIONS AND TERMS RELEVANT TO THIS POLICY:

Sexual harassment, racial harassment, retaliation and other forms of employment discrimination policies and definitions apply to our employees in their interaction with any contract employees, the public, or other City employees. In cases involving contract employees, contact the Mayor for additional guidance.

A. SEXUAL HARASSMENT: Sexual harassment is a form of sex discrimination which is a violation of Title VII of the Civil Rights Act of 1964. Sexual harassment is defined as **including, but not limited to:** unwelcome sexual advances, requests for sexual favors, other verbal or physical or written conduct of a sexual nature, and negative or unwelcome verbal or physical or written conduct directed towards an employee (or other members of the employee's gender) because he or she is (or they are) male or female. **The examples of conduct listed in part V.A ("Prohibited Conduct/Examples of Conduct that May Constitute Sexual Harassment or Sex Discrimination") below also may constitute sexual harassment. Any or all such conduct constitutes sexual harassment when:**

- (1) tolerating such conduct and/or comments is made either explicitly or implicitly a term or condition of an individual's employment; or
- (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) such conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

B. RACIAL HARASSMENT: Racial harassment is a form of race discrimination which is a violation of Title VII of the Civil Rights Act of 1964. Racial harassment is defined as **including, but not limited to,** unwelcome racial comments; use of racial slurs; racial jokes; racially derogatory descriptions of an employee or that employee's family members, friends, or other persons with whom he or she associates; racially derogatory descriptions or comments regarding other members of an employee's racial group in the presence of that employee; derogatory or adverse treatment that is not explicitly racial in nature when it is motivated by racial animus, and other verbal or physical or written conduct of a racial nature. **The examples of conduct listed in part V.B ("Prohibited Conduct/Examples of Conduct that May Constitute Racial Harassment or Race Discrimination") below also may constitute racial harassment. Any or all such conduct constitutes racial harassment when:**

- (1) tolerating such conduct and/or comments is made either explicitly or implicitly a term or condition of an individual's employment; or

(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

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

C. VICTIMS OF SEXUAL OR RACIAL HARASSMENT: The victim of sexual harassment may be either a woman or a man, and the victim of racial harassment may be a member of any racial group, whether a majority or minority racial group. The victim does not have to be the one harassed, but could be anyone affected by the offensive conduct.

D. SEXUAL OR RACIAL HARASSER: A sexual harasser may be a woman or a man. A racial harasser may be a member of either a majority or minority racial group. A harasser may be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.

E. THIRD PARTY HARASSMENT: In some cases, people may engage in off color remarks and joking that they themselves do not find offensive. However, this behavior may be offensive to others who are not directly involved in the conversation. This type of harassment is called third party harassment, and may be a form of sexual or racial harassment.

F. OTHER WORK-RELATED ACTIVITIES: Sexual and racial harassment can occur outside the work site and still be considered work-related. Incidents that occur at retirement parties and office socials, in training sessions, at conventions, or on temporary duty are some of the situations where work-related sexual or racial harassment can occur.

G. EMPLOYMENT DISCRIMINATION: Title VII prohibits employment discrimination based on race, color, religion, sex and national origin. Employment discrimination includes treating an employee or job applicant differently than other employees or applicants with respect to terms and conditions of employment (including hiring, promotion, pay, discipline or termination) because of the race, color, religion, sex or national origin of that employee or applicant.

H. RETALIATION: Title VII prohibits acts of retaliation against any individual for opposing employment practices that the individual reasonably believes are prohibited under Title VII (such as racial harassment and sexual harassment), for filing discrimination charges against the employer, or for assisting in the investigation of such charges. Retaliatory actions include adverse actions taken against an individual that negatively affect his or her terms and conditions of employment, including pay, work or shift assignments, negative evaluations, or discipline. Retaliation may also include harassment of an individual by other employees to "get back" at or punish the individual for complaining about employment practices or conduct that the individual reasonably believes is prohibited under Title VII. Retaliation also includes adverse actions taken against an employee for making a complaint with the EEO Monitor as is described in this policy, or participating in an investigation by the EEO Monitor.

I. ZERO TOLERANCE: The City **will not** condone sexual or racial harassment. This Policy will be enforced by taking appropriate disciplinary action against not only the harasser, but also against supervisors who were or should have been aware of the harassment and did not report or respond to it. Other forms of employment discrimination and retaliation (defined in paragraphs G and H above) likewise will not be condoned.

IV. PERSONS WITH RESPONSIBILITIES UNDER THIS POLICY

The following is a list of persons with specific responsibilities and duties under this Policy. **All City Employees** share responsibility for ensuring that the City of Bastrop is a workplace free of sexual harassment, racial harassment, retaliation and other forms of employment discrimination. City employees may be subject to discipline for failure to refrain from conduct prohibited under this Policy, failure to report such conduct, or engaging in conduct that assists or encourages others in engaging in racial harassment, sexual harassment, retaliation or other forms of employment discrimination.

The performance evaluations of all City employees shall take into account compliance with this Policy. Performance evaluations for supervisory or managerial employees shall take into account compliance with this Policy as well as enforcement and communication of this Policy with respect to employees under their supervision. In addition, when deciding whether an employee should receive a promotion, award, or other performance-related benefit, the City shall take into account the compliance of the employee with this Policy (and, for supervisory or managerial employees, enforcement and communication of this Policy).

A. MAYOR: The Mayor shall hold each department head and supervisor accountable for the conduct of the employees under their supervision. If situations should arise that are not covered in this Policy, the Mayor will convene a meeting with appropriate personnel to determine the course of action to be taken.

B. CITY CLERK: The City Clerk shall perform responsibilities outlined in this Policy and other duties delegated by the Mayor.

C. CITY ATTORNEY: The City attorney shall review complaints at the request of the EEO Monitor or Mayor, and shall assist in rendering a decision regarding what action, if any, should be taken.

D. DEPARTMENT HEADS: Department heads shall ensure that this Policy is fully implemented, that employees understand the "Zero Tolerance" Policy, and that subordinate supervisors understand and fulfill their responsibilities under this Policy. Department heads who receive complaints about sexual or racial harassment of employees by supervisors, complaints of retaliation for complaining about or opposing sexual or racial harassment, or complaints about inaction by supervisors who have received complaints, shall immediately report these complaints to the EEO Monitor. Department heads similarly should report complaints of other forms of employment discrimination or retaliation to the EEO Monitor, who may, at his or her discretion, refer those complaints to the Mayor.

E. EEO MONITOR: The EEO Monitor shall be the primary investigator for complaints of sexual harassment, racial harassment, retaliation and other forms of employment discrimination. This responsibility may be delegated to another qualified investigator with the approval of the Mayor or City Clerk only if the EEO Monitor is unavailable to receive and investigate a complaint within the time periods specified in this Policy. Employees may make complaints directly to the EEO Monitor.

F. SUPERVISORS: Supervisors shall take complaints of sexual harassment, racial harassment, retaliation and other forms of employment discrimination seriously. Supervisors shall make written documentation of all complaints received or of any incidents which come to their attention (either through direct observation or reports by other employees) which may reasonably be believed to constitute racial or sexual harassment, retaliation or other forms of employment discrimination. Supervisors should include in their written documentation the name of the complaining or affected employee, the conduct complained of, the time and date(s) of the alleged conduct, and any witnesses identified by the complainant. Supervisors shall not require employees to put their complaints in writing if they do not wish to do so. Supervisors should immediately contact the EEO Monitor after receiving a complaint, and shall not undertake further investigation without consulting with the EEO Monitor.

G. ALL CITY EMPLOYEES: All City employees are responsible for refraining from conduct that may constitute sexual or racial harassment, retaliation or other forms of employment discrimination. All employees also are responsible for reporting conduct which they reasonably believe may constitute sexual or racial harassment, either with respect to themselves or other employees, to their immediate supervisor, their department head, or the City's EEO Monitor.

V. PROHIBITED CONDUCT

Racial harassment, sexual harassment, retaliation and other forms of employment discrimination in the workplace are illegal and will not be tolerated by the City of Bastrop. The City has a "Zero Tolerance" Policy, and **will not** condone this conduct in any form. Appropriate disciplinary action will be taken towards employees who engage in such conduct or supervisors who fail to take appropriate action to prevent and report such conduct.

In addition, retaliation against any person who opposes what he or she reasonably believes to be racial harassment, sexual harassment or other forms of employment discrimination, or who cooperates in the investigation of a complaint of such conduct, is also illegal and will not be tolerated by the City of Bastrop.

Whether alleged conduct constitutes racial or sexual harassment is determined on a case by case basis and depends on the totality of the circumstances including the context in which the conduct occurred and the frequency and severity of the conduct. A single incident, if sufficiently severe, may constitute racial or sexual harassment.

The following examples are provided to assist employees in understanding the conduct that may violate this Policy if they satisfy the definitions provided in part III. The list of examples is not exhaustive, and other conduct may violate this Policy.

A. Examples of Conduct that May Constitute Sexual Harassment or Sex Discrimination

The management of the City of Bastrop considers sexual harassment/sex discrimination to include:

Physical Assaults or Contacts Such As:

1. Rape, sexual molestation, or attempts to commit these assaults (this conduct may also be criminal in nature, and also should be reported to the police);
2. Intentional physical conduct that is sexual in nature, such as touching, unwelcome hugging, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body;

Unwanted Sexual Advances, Propositions or Other Sexual Comments Such As:

1. Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at, or made in the presence of, any employee who indicates or has indicated in any way that such conduct in his or her presence is unwelcome (or could reasonably be expected to find such conduct unwelcome);
2. Preferential treatment or promises of preferential treatment to any employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward; and

3. Subjecting or making 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, including uninvited letters and telephone calls.

Sexual or Discriminatory Displays or Publications Anywhere in the Workplace by Employees, Such As:

1. Displaying pictures, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning or pornographic, or bringing into the work environment or possessing any such material to read, display or view at work;
2. Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic; and
3. Displaying signs or other materials purporting to segregate an employee by sex in any area of the work place (other than in restrooms and other semi-private locker/changing rooms).

Non-Sexual Conduct Directed at An Employee Because of His or Her Sex

1. Name-calling or derogatory comments directed at an employee based on his or her sex;
2. Derogatory comments directed to an employee based on stereotypes about that employee's sex, including derogatory comments about the capabilities of members of a particular sex; and
3. Preventing an employee from doing a job, failing to provide assistance in doing a job, or taking any action to make a job more difficult for an employee based on a belief that members of that employee's sex should not do certain types of work.

B. Examples of Conduct that May Constitute Racial Harassment or Race Discrimination

The management of the City of Bastrop considers racial harassment/race discrimination to include:

Verbal Expressions That May Constitute Racial Harassment or Discrimination, Such As:

1. Use of racial slurs that others may find offensive such as (but not limited to):
"Nigger," "coon," "spade," "spook," or "slave" to refer to black persons;
"Spic" or "wetback" to refer to Hispanic persons;
"Cracker," "honkey," "white girl," or "white boy" to refer to white persons;
"Chink," or "slant-eyes" to refer to Asian persons;
"Half-breed" to refer to persons of mixed racial ancestry;
2. Unwelcome reference to an adult employee as a "boy" or "girl;"
3. Racial jokes or stories;
4. Derogatory comments about a person's racial ancestry or the racial ancestry of his family members, of

other members of the person's racial group, or of those with whom he or she chooses to associate;

5. Race-specific, derogatory comments about a person's skin color, hair texture, facial features or other physical characteristics;

6. Stating that a person must perform certain assignments because of that person's race or racial characteristics;

7. Stating that a person may not perform certain assignments because he or she belongs to a particular racial group;

8. Obscene, lewd or sexually explicit comments, jokes or suggestions concerning or focusing on the sexuality or supposed sexual characteristics of a particular racial group;

9. Any of the conduct listed above, when communicated to a person indirectly, through another person, or in writing.

Other Conduct That May Constitute Racial Harassment or Discrimination

1. Displaying racially derogatory pictures, cartoons, caricatures, or slogans on City property;

2. Displaying or distributing pamphlets or other printed materials on City property if those materials declare the supremacy or superiority of a particular racial group or specify that any race is inferior to any other;

3. Drawing or writing racial slurs or graffiti of a racial nature on City property;

4. Refusing to work with **or assist** an employee because of that employee's race or the race of a person with whom the employee associates;

5. Sabotaging or interfering with an employee's work because of that employee's race or the race of a person with whom the employee associates;

6. Hiding, destroying or otherwise tampering with an employee's work equipment because of that employee's race or the race of a person with whom the employee associates;

7. Making false reports about an employee's work performance because of that employee's race or the race of a person with whom the employee associates;

8. Stranding or abandoning a fellow employee on the job because of that employee's race or the race of a person with whom the employee associates.

C. Examples of Conduct that May Constitute Other Forms of Employment Discrimination Such As:

1. Failure or refusal to hire any individual because of such individual's race, color, religion, sex or national origin;

2. A decision to discharge (or not to discharge) any individual because of such individual's race, color, religion, sex or national origin;

3. Treating any individual differently with respect to his or her compensation, terms, conditions or privileges of employment because of such individual's race, color, religion, sex or national origin;
4. Limiting, segregating or classifying employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect the employee's/applicant's status as an employee or applicant, because of race, color, religion, sex or national origin.

D. Examples of Conduct that May Constitute Retaliation Based on a Complaint of Racial or Sexual Harassment or Other Forms of Employment Discrimination

1. Ignoring, shunning, isolating or refusing to work with or assist another employee because that employee has complained about racial or sexual harassment, whether or not the complaint resulted in an investigation or discipline of the accused harasser;
2. Giving an employee inferior or less desirable working assignments or conditions because that employee has complained about racial or sexual harassment, whether or not the complaint resulted in an investigation or discipline of the accused harasser;
3. Name calling, derogatory statements, or threatening physical gestures or conduct towards another employee because that employee has complained about racial or sexual harassment, whether or not the complaint resulted in an investigation or discipline of the accused harasser;
4. Communication of threats either directly to an employee, or to an employee through a third party or in writing, because that employee has complained about racial or sexual harassment, whether or not the complaint resulted in an investigation or discipline of the accused harasser.

VI. PROCEDURES FOR MAKING A COMPLAINT OF SEXUAL HARASSMENT, RACIAL HARASSMENT, RETALIATION OR OTHER FORMS OF EMPLOYMENT DISCRIMINATION

Employees are encouraged to bring complaints of racial or sexual harassment, retaliation or other forms of employment discrimination to the City's attention. Any employee who believes that he or she has been subjected to such conduct should report the alleged conduct as soon as possible. Employees should report complaints without delay to ensure that an appropriate, effective and timely investigation and resolution may be achieved.

A complaint of racial or sexual harassment, retaliation or other forms of employment discrimination may be brought to the attention of any City supervisor or administrator within the employee's department, the employee's Department Head, or directly to the EEO Monitor. If a City employee believes that his or her supervisor committed, participated in, or allowed the alleged harassment, retaliation or other forms of discrimination, the employee should bring a complaint directly to the attention of the EEO Monitor. The EEO Monitor is:

Mr. Charles Underwood

[CONTACT INFORMATION].

Employees may make either oral or written complaints.

All complaints received or investigated by any City supervisor, administrator, Department Head or the EEO Monitor shall be kept confidential to the greatest extent possible, and will only be disclosed on a "need to know basis" when necessary to investigate and resolve the complaint. Any employees or supervisors involved in the investigation or resolution of the complaint will be informed of their duties to keep information regarding the complaint confidential.

Complaints will be promptly investigated and determinations will be made in accordance with the following procedures:

A. Procedures for Receiving Complaints

1. The EEO Monitor shall coordinate and direct the investigation and review of all complaints under this Policy, whether he or she has received the complaint directly or whether the complaint was first received by a supervisor or Department Head.
2. The EEO Monitor, may, at his or her discretion, refer complaints of other forms of employment discrimination besides sexual harassment, racial harassment, or retaliation for complaints of sexual or racial harassment to the Mayor, who shall investigate such complaints himself or herself, or shall delegate the investigation of such complaints to a City supervisor or administrator appropriately qualified to undertake such an investigation. When complaints of other forms of employment discrimination are referred to the Mayor or individual appointed by the Mayor for investigation, the Mayor or appointed investigator shall follow the time frames and methods of investigation that would otherwise be followed by the EEO Monitor.
3. Any City supervisor, administrator or Department Head who receives an informal or formal complaint under this Policy by a City employee, or who otherwise becomes aware of the actual or alleged existence of conduct prohibited by this Policy, shall inform the EEO Monitor about the matter and shall consult with the EEO Monitor before proceeding with any investigation or other action (other than obtaining the preliminary information in subparagraph A(4)(i)-(v) below), including discipline, in connection with the alleged harassment.
4. The recipient of a complaint (including any supervisor, administrator or the EEO Monitor) under this Policy may request, but shall not require, that the employee put the complaint in writing. Employees should be informed that they may make an oral complaint if they are more comfortable in doing so. The recipient of a complaint should obtain the following information from the employee, and should keep a written record of that information if the employee chooses not to put his or her complaint in writing:
 - i. Employee's name, department and position title;
 - ii. The name of the person alleged to be committing the act of sexual or racial harassment, retaliation or other forms of employment discrimination;
 - iii. The nature of the conduct complained about, including the date, duration, type of harassing, discriminatory or retaliatory action (including verbal, written or physical conduct, demotion, failure to promote, dismissal, transfer, etc.) taken against him or her, and any threats of future conduct or retaliation;
 - iv. Any witnesses or persons with relevant information;
 - v. Whether he or she has previously reported the conduct complained about, and, if so, when and to

whom;

5. Upon receiving a complaint and gathering the information described in subparagraph A(4)(i-iii), the recipient of the complaint shall immediately notify the EEO Monitor (unless the EEO Monitor is the original recipient of the complaint). If the supervisor, administrator or Department Head reasonably believes that immediate corrective or preventative action is required to assure the safety or well-being of the complainant, he or she make take temporary corrective actions (other than an adverse action against the complainant) pending the resolution of the complaint. Such action, when warranted, may include separating the complainant and accused harasser, or temporarily removing the accused harasser, with no loss of pay, from the workplace.

B. Investigation of Complaints

1. Upon notification or receipt of a complaint, the EEO Monitor shall immediately notify the employee's supervisor and Department Head of the complaint (unless that supervisor or Department Head was the one who brought the complaint to the attention of the EEO Monitor). The supervisor or Department Head shall not be immediately notified if the complaint involves that supervisor or Department Head, until the interview of the accused employee required in subpart B.3 below.

2. The employee making the complaint will be interviewed by the EEO Monitor, regarding the allegations within two (2) working days of the receipt of the original complaint. With the permission of the complainant, the interview may be tape-recorded, but shall tape-recording shall not be required. The person conducting the interview shall take contemporaneous notes of the interview, and shall complete a "record of complaint" form based on those notes immediately after the interview has been completed. The complainant shall be offered the opportunity to review and sign the "record of complaint" form, making any necessary corrections, within two (2) working days of its completion. The final record of complaint and the additional interview notes shall be kept in a "complaint file," and the additional notes and documents gathered in the course of investigating and resolving the complaint shall be added to that file.

3. No later than four (4) working days after the receipt of the original complaint, the EEO Monitor shall interview the accused employee. With the permission of the accused employee, the interview may be tape-recorded, but shall tape-recording shall not be required. The person conducting the interview shall take contemporaneous notes of the interview, which shall be kept in the complaint file.

4. If the accused employee has admitted the allegations of the complaining employee, or if the interview of the complaining employee and the interview of the accused employee reflect a substantially similar version of events, then no further interviews need be conducted. Resolution of the complaint and the imposition of discipline, if warranted, shall take place following the rules described in part C, "Determination of Complaints" and part VII, "Disciplinary Procedures.

5. If the accused employee has not admitted the allegations of the complaining employee, or if the version of events described in the interviews of the complaining employee and accused employee are substantially different, the EEO Monitor shall determine whether there are other witnesses (either identified by the complaining employee, accused employee, supervisor or department head) who may be interviewed to help determine the validity of the complaint. Witnesses should not be limited only to those who directly observed the complained-about events, and may include others with knowledge of the working environment, the complaining employee, or the accused employee. Interviews of all such witnesses, if any are available, shall be completed within seven (7) business days of the receipt of the original complaint. With the permission of the accused employee, the interview may be tape-recorded,

but shall tape-recording shall not be required. The interviewer shall take contemporaneous notes of the witness interviews, and those notes shall be kept in the complaint file.

6. If no witnesses are available, the EEO Monitor shall make an assessment of the credibility of the complaining employee and accused employee, as well as all of the facts and circumstances surrounding the complaint and the working environment, to arrive at a Determination as described in "C. Determination of Complaint." No complaint shall be dismissed, or found to be unsubstantiated, solely because no witnesses other than the complaining employee and accused employee are available.

7. If the complaint is one of retaliation or other forms of employment discrimination, rather than racial or sexual harassment, then the EEO Monitor, Mayor, or other qualified investigator appointed by the Mayor, shall obtain and review all personnel or employment records (including records of pay, hours work, position, and shift assignment) if they may help to determine the validity of the complaint. Copies of any records or documents reviewed during this investigation shall be kept in the complaint file.

C. Determination of Complaints

1. Within two (2) business days after all interviews have been completed by the EEO Monitor, the EEO Monitor shall make a determination regarding the complaint. This determination should include consideration of the information gathered through interviews, the surrounding facts and circumstances, and the credibility of those interviewed.
2. The individual making the determination shall make a written "Determination" that includes a description of the information relied upon, credibility assessments made, and a finding regarding the validity of the Complaint. The Determination shall be accompanied by a recommendation for disciplinary action, if any is warranted, in accordance with the schedule of Discipline described in "part VII. Discipline Procedures for Sexual and Racial Harassment" or "part VII. Discipline and Remedies for Retaliation or Other Forms of Employment Discrimination." At the discretion of the EEO Monitor, a copy of the Determination may be forward to the City Attorney for review. If the a copy of the Determination is not forwarded to the City Attorney, it shall be forwarded to the accused employee's Department Head immediately.
3. If a copy of the Determination has been forwarded to the City Attorney for review, the City Attorney shall review it within three (3) business days of its receipt. If the City Attorney does not disagree with the Determination within that time period, the Determination shall go into effect and the EEO Monitor shall forward a copy of the Determination to the accused employee's Department Head. If the City Attorney recommends a change in the proposed discipline within that time period(including a determination that discipline should occur that was not recommended), the City Attorney shall make an Amended Determination and forward copies of it to the accused employee's Department Head and to the EEO Monitor.
4. Upon receiving a copy of a Determination or Amended Determination, if the recommended discipline is more than a letter of warning, within one (1) business day the Department Head shall provide the accused employee with a pre-disciplinary notice of the Determination and the intended discipline. If the recommended discipline is a letter of warning, within one business day the Department Head shall place such a letter, along with a copy of the Determination or Amended Determination, in the accused employee's personnel file and shall provide additional copies to the accused employee. Any other recommended discipline shall be imposed on the accused harasser by his or her Department Head five (5) days after receipt of the pre-disciplinary notification by the accused employee, or, if the accused employee appeals the determination, after the resolution of the appeal.

5. A copy of the Determination or Amended Determination shall be kept in the complaint file.

VII. Discipline for Sexual and Racial Harassment

The following schedule of discipline applies to all Determinations made by the EEO Monitor.

A. First Offense of Minor Nature or Complaint Which May Be Valid But Cannot be Determined with Certainty

If the complaint received is either: 1) the first such complaint involving the particular accused harasser (from the particular complaining employee or any other employee); 2) involves only verbal or written conduct of a minor or one-time nature; 3) or is a complaint which may be valid but cannot be determined with certainty, and which would be of a serious nature if true; then a minimum disciplinary action of a written warning in the accused harasser's file, or a maximum disciplinary action of a one-day suspension without pay, shall be imposed.

B. Second Offense or First Offense of Intentional Discrimination, Physical Harassment, or Ongoing or Threatening Verbal Harassment

If the complaint received is either: 1) the second such complaint involving the particular accused harasser (from the particular complaining employee or any other employee); 2) involves ongoing verbal or written conduct or one-time verbal or written conduct of a threatening nature; or 3) or involves one-time minor physical actions or touching; then a minimum disciplinary action of a one-day suspension for non-supervisory employees or a three-day suspension for supervisory employees, or a maximum disciplinary action of a five-day suspension for non-supervisory employees or a ten-day suspension for supervisory employees, shall be imposed.

C. Third Offense or Any Offense of a Serious Nature

If the complaint received is either 1) the third such complaint involving the particular accused harasser (from the particular complaining employee or any other employee); or 2) involves any physical act or assault of a serious nature; then a minimum disciplinary action of a 10-day suspension for non-supervisory employees or a demotion for supervisory employees, or a maximum disciplinary action of termination for any type of employee, shall be imposed.

D. Fourth Offense

If the complaint received is the fourth complaint involving the particular accused harasser (from the particular complaining employee or any other employee), the accused employee shall be terminated.

VII. Discipline and Remedies for Retaliation and Other Forms of Employment Discrimination

Discipline for acts of intentional discrimination affecting a complaining employee's terms and conditions of employment, including rate of pay, overtime, shift assignments, work assignments, promotions or discharge shall be recommended at the discretion of the EEO Monitor, Mayor or qualified investigator appointed by the Mayor. However, the minimum discipline recommended shall be a letter of warning placed in the accused employee's personnel file. The EEO Monitor, Mayor or qualified investigator appointed by the Mayor shall also consider and recommend any appropriate remedy for the complaining employee, including but not limited to an increase in pay, providing overtime opportunities, making a shift reassignment, making a work reassignment, giving a promotion, or

reinstating a discharged employee.

VIII. DISCIPLINARY APPEAL RIGHTS

Within five (5) business days of receipt of a pre-disciplinary notice, the employee subject to discipline may appeal the disciplinary action to the Mayor by notifying his or her department head or the EEO Monitor, in writing, of his or her intent to appeal. This appeal notification shall be forwarded to the Mayor within two (2) business days of its receipt.

No later than ten (10) days of receiving an appeal notification, the Mayor, at his or her discretion, may: 1) review the complaint file; 2) interview the complaining witness, the accused employee, or any other witness; or 3) may hold a fact-finding hearing. If a fact-finding hearing is held, it shall be tape recorded or video recorded. The complaining employee and accused employee shall be entitled to have a representative present, and there shall be an opportunity for cross-examination of any employee or witness who presents testimony.

The Mayor shall render a final determination of the appeal no later than ten (10) business days after it was originally received. The Mayor shall issue an "Appeal Determination" in writing, and shall provide a copy to the employee, employee's Department Head, and the EEO Monitor. The Appeal Determination shall inform the accused employee whether the original Determination is upheld, overturned, or modified. If disciplinary action is upheld, it shall be imposed on the employee by the Department Head within one (1) business day.

A copy of the "Appeal Determination" shall be kept in the complaint file. The complaint file shall be retained by the EEO Monitor for at least five years, or in accordance with applicable state and federal record retention laws, whichever is longer.

IX. OTHER AVENUES FOR RELIEF

Employees are strongly encouraged, but are not required, to use the complaint procedures described in this Policy. However, employees are not required to use these procedures in order to pursue other avenues of relief or assistance that may be available to them.

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e, et seq. ("Title VII"), prohibits discrimination in employment on the basis of race, sex, national origin and religion. It also is unlawful under the Act for an employer to take retaliatory action against any individual for opposing employment practices that the individual reasonably believes are prohibited by Title VII or for filing discrimination charges against the employer or assisting in the investigation of such charges. Congress has designated the Equal Employment Opportunity Commission ("EEOC") as the federal agency responsible for investigating individual charges of discrimination under Title VII. If an employee believes he or she has been discriminated against in violation of Title VII, that employee may contact the nearest EEOC office to find out whether he or she is eligible to file a charge. That office is located at:

Equal Employment Opportunity Commission
New Orleans District Office
701 Loyola Avenue
Suite 600
New Orleans, LA 70113-9936
Phone: 201-645-6383
TDD: 201-645-3004

In addition, discrimination complaints also may be filed with the Louisiana Commission on Human Rights. That office is located at:

Mailing Address

Louisiana Commission on Human Rights
P.O. Box 94004
Baton Rouge, Louisiana 70804-9004

1001 N. 23rd St., Suite 262
Baton Rouge, Louisiana 70802
Phone: (225) 342-6969
TDD: 1-888-248-0859

X. Training

The elimination and prevention of racial and sexual harassment is an important goal of the City of Bastrop. It is incumbent upon everyone not to engage in conduct which could undermine the integrity of the employee and/or interfere with the work productivity of the City or the services provided to the public. To ensure that our work environments are free of racial and sexual harassment, training on the prevention and detection of racial and sexual harassment shall be attended by all employees.

Training shall be conducted as follows, upon notification to City personnel by the City of Bastrop, a supervisor, administrator or department head:

A. All employees: all employees shall attend Session 1, a 4-hour session that covers the law and the nature of sexual and racial harassment/employment discrimination. The session will include discussion and instruction on conduct to avoid, procedures for making complaints of sexual and racial harassment/employment discrimination as well as the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination policies, guidance from the EEOC, and expectations of both the employees and the City with respect to these topics.

B. Supervisors/Administrators/Department Heads/EEO Monitor

In addition to attending Session 1, all supervisors, administrators, and department heads shall attend an hour-long Session 2, directed specifically at supervisory personnel. The session will include discussion of the responsibilities of supervisory personnel, preventing and detecting racial and sexual harassment/employment discrimination, and liability issues.

C. Investigators Appointed by the Mayor

Supervisory or administrative personnel who are to become qualified investigators eligible to investigate other forms of employment discrimination and retaliation (at the request and approval of the Mayor shall attend Sessions 1, 2 and a three-hour long Session 3 taught by the City's appointed trainer on sexual and racial harassment or legal counsel for the City. Session 3 shall cover investigation and interviewing techniques, credibility assessment, procedures under the City of Bastrop's Sexual and Racial Harassment/Employment Discrimination Policy, liability issues, and the relevant federal and state laws.