

E. 1. PROHIBITION AGAINST SEXUAL HARASSMENT

Sexual harassment is one form of unlawful harassment and it is the policy of the Clerk of Court to prohibit and prevent sexual harassment. Sexual harassment is defined as unwelcome sexual advances, request for sexual favors and other visual, verbal, or other physical conduct of a sexual nature when:

- 1) a person's employment depends on or is affected by submission to the conduct;
- 2) submission to or rejection of the conduct affects employment decisions concerning the person, or
- 3) such conduct unreasonably interferes with a person's work performance or creates an intimidating, hostile, or offensive working environment.

Sexual harassment includes any unwelcomed physical contact, the use of sexually explicit language or gestures, and any uninvited or unwanted sexual advances (either physical or verbal) which create an overall offensive environment. Examples of sexual harassment includes but is not limited to the vulgar use of language, the presence of sexually explicit photographs or other materials, the telling of sexual stories or jokes, and the uninvited or unwelcome touching of another person. Both men and women can be victims of sexual harassment. The victim does not have to be of the opposite sex of the alleged offender.

Managers or Supervisors may never threaten or insinuate that an employee's refusal to submit to sexual advances will affect the employee's employment, evaluation, wages, advancement, or other terms and conditions of employment.

Any employee of the Clerk of Court, who believes that he or she is a victim of sexual harassment, should report the matter to his or her immediate supervisor, or if the circumstances do not permit, then to any supervisor. The supervisor to whom the report is made shall immediately have the reporting person reduce the matter to writing, which writing should include the name, department, and position of the person allegedly committing the harassment, a description of the incident, including the date and location of the incident, and the names of any potential witnesses. The supervisor to whom the report is made shall also immediately document in writing that a complaint has been received and notify the Clerk of Court and provide the employee's written complaint to the Clerk.

If circumstances exist which do not permit the person who believes he or she is a victim of sexual harassment to report the matter to an immediate supervisor or other supervisor, then alternatively, that person should immediately report the matter to the Clerk.

Complaints should be submitted immediately after the incident has occurred. The Clerk shall investigate the matter in a thorough and prompt manner and shall take appropriate action to address the complaint. Complaints and investigations of complaints will be treated to the extent possible in a confidential manner, with all information disclosed only on a need-to-know basis. The investigation should involve those employees or others who have actual knowledge of the circumstances, including the person making the complaint, the person

accused, and witnesses or others possessing relevant information. Employees who are interviewed regarding the complaint will be instructed that the complaint and investigation are to remain confidential.

The complaint, the investigation of the complaint, and any resulting disciplinary action shall be documented. Employees who are found to have violated this policy are subject to appropriate discipline. If an investigation results in a finding that this policy has been violated, the resulting discipline could include a minimum of a written reprimand, up to the maximum of termination of employment.

This policy prohibits any retaliation against any individual for making a complaint, or for testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment.

La. R.S. 42:343 requires that all public servants receive a minimum of one hour of education and training each year.

Sexual harassment is a form of sex discrimination that violates federal and state law. In addition to the policy and procedures provided in the Clerk of Court's Policy to Prevent Sexual Harassment, there are federal and state laws related to sexual harassment in the workplace. Such laws can be found under Title VII of the federal Civil Rights Act, and under Louisiana Revised Statutes, Section 51:2231, *et seq.* and La. R.S. 42:341 *et seq.*