

ANTI-HARASSMENT AND SEXUAL ABUSE POLICY

Lake Charles City Court supports the philosophy that employees have a right to a workplace free from discrimination of any kind. The Court considers discrimination in the form of harassment contrary to this philosophy. Harassment subverts the mission of this Court in both obvious and subtle ways by destroying an employee's ability to function at his or her highest level and by eroding employee morale. Harassment creates a hostile, abusive, demeaning, offensive or intimidating environment. The policies herein seek to educate both employees and management of the harm resulting from harassment and behaviors which constitute harassment, as well as to eliminate discrimination in the form of harassment from all of the Court offices.

The Court explicitly condemns discrimination and harassment as a violation of an individual's human rights and dignity and strictly prohibits such conduct by this policy. In addition, workplace harassment is prohibited by Title VII of the Civil Rights Act of 1964. Neither employees, supervisors, nor officials of this Court shall commit or condone discrimination or harassment in any form, and if one does so, he/she shall be subject to disciplinary action up to and including dismissal. A determination of an occurrence of harassment is based upon the nature and context of the conduct. Neither employees, supervisors, nor officials of this Court, shall commit or condone sexual harassment, and if one does so, he or she shall be subject to disciplinary action up to and including dismissal. Copies of the EEOC's informational handout on this topic are attached to this policy.

DEFINITIONS AND EXAMPLES OF HARASSMENT

Harassment generally consists of verbal or physical conduct which denigrates or shows hostility or aversion toward an individual or group of individuals. The Court takes the broadest possible view consistent with law and reason regarding conduct encompassed by the term harassment. However, the Court recognizes the rights of managers and supervisors to appropriately counsel and discipline employees, and such activities are not included in the definition of harassment. The examples and descriptions provided herein, although not an exhaustive list, should be used as guidelines for determining expected standards of professional and responsible conduct.

Discrimination in the form of harassment includes, but is not limited to, any of the following behaviors or activities which, by their nature, are directed toward any individual or group of individuals because of race, color, religion, sex, national origin, age or disability:

1. Epithets, slurs, negative stereotyping, or jokes targeted at a particular individual or group;
2. Threats, intimidating remarks, hostile acts, physical gestures or actions which serve to threaten, intimidate or denigrate; and/or
3. The circulation of or presence in the work area or on Court premises of any written or graphic material which ridicules or denotes hostility or aversion, or which may be offensive based on a reasonable person standard.

SEXUAL HARASSMENT

Sexual harassment receives special attention by the Equal Employment Opportunity Commission (EEOC) and this Court. It is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which:

1. Either explicitly or implicitly makes compliance with the conduct a term or condition of an individual's employment;
2. Makes submission to or rejection of the conduct a basis for employment decision(s) affecting an individual; and/or
3. Has the purpose or effect of unreasonably interfering with an individual's work performance;
4. Creates an intimidating, hostile, or offensive working environment.

The following examples of sexual harassment are not an exhaustive list but are provided as guidelines for determining expected standards of professional and responsible conduct:

- **Verbal sexual harassment** includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (including repeated, unwelcome requests for dates), and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
- **Nonverbal sexual harassment** includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, leering, staring, whistling, obscene gestures, content in letters, notes, emails, photos, text messages, tweets and internet postings; or other forms of communication that are sexual in nature and offensive.
- **Physical sexual harassment** includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, massaging, cornering, kissing, fondling, and forced sexual intercourse or assault.
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to 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.

Sexual harassment most often occurs between persons having unequal power, authority, or influence, regardless of the sexual preference of the parties involved. Threats of adverse consequences or promises of reward may be implied solely by circumstances of unequal power. Unequal power, authority, or influence alone may imply a threat of adverse consequence or promise of reward and describes an inherent conflict of interest when an individual exercises supervisory authority over another and engages in verbal or sexual conduct toward the supervised employee. Therefore, any dating or sexual relationship between a supervisor and subordinate, regardless of whether the relationship is consensual, is strongly discouraged by the Court because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such a relationship may give rise to the perception by others that there is favoritism or bias in employment decisions affecting the staff employee. If there is such a relationship, the parties involved need to be aware that one or both may be moved to a different department or other actions may be taken.

COMPLAINT PROCEDURE

It is the duty of every employee who experiences or witness's behavior which he/she believes may constitute harassment to immediately report such conduct by following the complaint procedures outlined herein. Retaliation against any employee who makes a good faith report of conduct which he/she believes may constitute harassment in violation of this policy, or who provides information during an investigation of a compliant, is strictly forbidden and shall be grounds for disciplinary action up to and including dismissal.

A victim of harassment should immediately inform the offending person, without fear of retaliation or reprisal, that the conduct is unwelcome, offensive and must stop. This is not a requirement, but rather a suggested course of action to immediately and effectively cease the harassment. Regardless of whether an employee communicates the problem directly to the offender, he/she must report all incidents of harassment to his/her supervisor (if not the offending party), and to the Human Resources designee of Lake Charles City Court.

Formal complaints should be written and contain the following information:

- 1) Specific description of harassment;
- 2) Where, when and how often the harassment occurred;
- 3) The name(s) of the harassing person(s); and
- 4) The name of witness (es), if any.

The Court shall appoint an investigator, usually the Human Resources designee, to promptly and thoroughly investigate all allegations/complaints of harassment. Confidentiality shall be maintained to the extent possible and practicable throughout the process. The investigator shall submit his/her finding to the City Court Judges. The Human Resources designee, in conjunction with the Chief Judge, shall make recommendations to the Court for further investigation, dismissal of the complaint, or disciplinary action up to and including dismissal.

When the harassment complaint is between a supervisory manager who is a justice and a court employee, the Human Resources designee will immediately inform the Senior Judge or, if appropriate, another Judge. The Judge who receives the complaint shall notify the Senior Judge if the complaint involves a possible violation of federal or state law and/or canon, at which time, the Senior Judge may, at his or her discretion, appoint a third party or outside investigator to review the matter to determine if any immediate actions need to be taken to protect the employee bringing the complaint.

Allegations of judicial misconduct, including sexual harassment, shall be reported to the Judiciary Commission immediately, regardless of the decision to appoint a third party or outside investigator, and the report should include all documents, statements, and reports relevant to the allegations of misconduct or harassment and which are available to the Senior Judge and/or Human Resources designee at the time of making the report. Pursuant to Louisiana Supreme Court Rule XXIII, Section 23, such reports and supporting documentation are confidential.