

22nd JUDICIAL DISTRICT COURT

ADDENDUM TO EMPLOYEE HANDBOOK

EFFECTIVE DATE: May 1, 2019 / Updated November 12, 2020

SUBJECT: Policy Prohibiting Sexual Harassment

I. POLICY

The 22nd Judicial District Court (hereinafter referred to as “Court”) prohibits and will not tolerate sexual harassment or any behavior of a sexual nature that intimidates, exploits, insults, demeans, disrespects, or embarrasses any employee or other individual in the workplace.

II. PURPOSE

Through this policy and the mandatory training required of all employees, the Court seeks to establish a procedure to administratively report and address complaints of sexually inappropriate behavior. It is not in any way intended to replace or supersede the statutory or regulatory rights regarding sexual harassment available to employees under federal and state law, including Title VII of the Civil Rights Act (42 U.S.C. § 2000e et seq.) and the Louisiana Employment Discrimination Law (La. R.S. 23:301 et seq.). Specific timelines and requisites of law apply to filing a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR).

III. APPLICABILITY

This policy applies to all Court employees. This includes classified and unclassified employees, full-time, part-time, seasonal, and temporary employees. The prohibitions of this policy are equally applicable to supervisors, staff, students, and interns.

In keeping with the Court's intention and duty to maintain a work environment free of harassment and discrimination, this policy also applies to non-employees, including visitors and individuals who transact business with the Court such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behavior prohibited by this policy, and also are protected from experiencing such behavior by Court employees.

IV. POSTINGS

This policy is available for review by all employees at all times on the Court's website at: <https://22ndjdc.org>. Notices related to workplace harassment and discrimination are conspicuously posted within the Court's work locations throughout the courthouses.

V. EMPLOYEE RELATIONS DESIGNEE

The Court recognizes that an employee experiencing sexually inappropriate behavior may be reluctant to file a complaint. The Court has appointed Employee Relations Designees within Court Administration office to serve as a central point of contact. The Court's Employee Relations Designees are:

Amber Mitchell
Court Administrator
amitchell@stpgov.org

and

Nancy L. Penton
Deputy Court Administrator
npenton@stpgov.org

701 N. Columbia Street, Room 3210
Covington, Louisiana 70433
(985) 809-5300

These individuals are available to discuss the content of this policy, answer questions related to the reporting process, receive complaints, and coordinate and conduct the investigative process. Generalized inquiries and questions regarding this policy will be maintained in strict confidence. In some instances, follow-up inquiries or initiation of the investigative process by the Employee Relations Designee(s) may be required. Investigation may be necessary even when the employee desires to maintain anonymity, requests that no action be taken, or insists that a formal complaint not be lodged. In general, informal complaints or requests to delay investigation unless or until a future occurrence cannot be honored by the Employee Relations Designee(s), and will be treated the same as a report, thus triggering the investigative process.

In the event of the unavailability of the Employee Relations Designee(s), an employee needing immediate assistance should contact Court Administration at (985) 809-5300, or the Human Resources' Director for St. Tammany Parish at (985) 898-3015, or the Human Resources' Director for Washington Parish at (985) 839-7825, extension 304.

VI. TRAINING

The Court recognizes that implementation of a policy prohibiting sexually inappropriate workplace behavior standing alone is insufficient to prevent and address such behavior. To support this policy, the Court requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, the Court mandates the following training for its employees:

- Upon hiring, all new employees will be provided a copy and instructed to carefully review this policy, and sign the attached Acknowledgement and Certification to verify that this process has been successfully completed.
- All new employees are required to complete the Comprehensive Public Training Program's (CPTP) most recent training on sexual harassment. Certification of successful completion will be documented by Court Administration.
- All employees, on an annual basis thereafter, are required to complete the CPTP's most recent training on sexual harassment. Certification of successful completion will be documented by Court Administration.

VII. PROHIBITED CONDUCT

Sexually inappropriate behavior takes many forms. It can be explicit and overt, such as a demand for sexual favors, or subtle and implied, such as leering and innuendo. It can be intended or unintended, with the determination of inappropriateness evaluated from the perspective of a reasonable person and without regard for the purpose or motive of the accused. It can involve behavior by a person of either gender towards a person of the same or opposite gender. It can involve conduct by a supervisor or manager towards a subordinate employee, or conduct by one employee towards another employee of equal, lesser, or greater rank, status or authority. It can involve words or actions by a person external to the Court such as a visitor, vendor, maintenance personnel, client, contractor, or consultant. An employee can be affected merely as an observer of sexually inappropriate behavior directed towards another.

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature wherein:

- 1) Submission to such conduct is explicitly or implicitly a term or condition of employment; or
- 2) Submission to or rejection of such conduct is used as a basis for employment decisions (hiring, firing, advancement, performance evaluations, wages,

duty assignments, shifts, training opportunities, or other such conditions of employment or career development); or

- 3) Such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creates an intimidating, hostile, or offensive work environment.

For illustrative purposes only, sexually inappropriate behavior, even on an occasional basis, includes, but is not limited to:

- **Verbal:** Unwelcomed sexual flirtations, advances, propositions, or demands; unwelcomed sexual remarks, teasing, jokes, pranks, innuendo, insults, or inquiries; sexually insensitive or derogatory comments; unwelcomed repeated requests for dates or social engagement; inappropriate comments regarding a person's physical attributes; comments regarding sexual activities, exploits, prowess, or accomplishments; use of vulgar, crude or sexually offensive language; sexually insulting noises, catcalls, or whistling; and stereotypical comments.
- **Non-Verbal:** Gestures of a sexual nature; lustful looks, staring and leering; displaying sexually revealing or suggestive pictures, cartoons, caricatures, drawings, photographs, magazines, books, graffiti, or objects; transmitting sexually oriented emails, texts, letters, writings, communications, and images.
- **Physical:** Unwelcomed physical contact including kissing, touching, embracing, hugging, massaging, rubbing, fondling, groping, tickling, pinching, and patting; invading another's space by leaning over, purposefully cornering, or blocking passage; sexual assault, battery, and rape.

VIII. REPORTING PROCEDURE

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 complaint, is strictly forbidden.

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 Court Administration, as soon as possible, and are discouraged from waiting to cumulate offenses or the recurrence "one more time" of the offensive behavior.

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 report should be made to the Employee Relations Designee. However, if the complaint involves one of the Employee Relations Designees, then the report should be made to the other designee or the Human Resources' Director for the appropriate parish. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Employee Relations Designee of the information provided.

IX. INVESTIGATION OF COMPLAINTS

All reports and complaints of sexually inappropriate behavior will be directed to the Employee Relations Designee who shall assess the information provided. The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner, with only those in a need-to-know position involved. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any individual participating in the investigation.

Upon completion of the investigation, the Employee Relations Designee will apprise management of the outcome and recommendations for resolution. Until a final decision is made, the investigative team will remain available to receive new information.

Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith. As such, employees are encouraged to file good faith complaints without regard for the ultimate outcome.

X. COMPLAINT RESOLUTION

Upon conclusion of the investigation, the complainant and accused will be apprised of the outcome. Management's decision is final and concludes the Court's internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome nor completion of the Court's administrative investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office
Hale Boggs Federal Building
500 Poydras Street, Suite 809
New Orleans, Louisiana 70130
800-669-4000 (Voice)
504-589-2958 (TDD)
504-595-2844 (Fax)
<https://www.eeoc.gov>

LCHR
1001 N. 23rd Street, Suite 268
Post Office Box 94094
Baton Rouge, Louisiana 70804
225-342-6969 (Voice)
888-241-0859 (TDD)
225-342-2063 (Fax)
gov.louisiana.gov/lchr

XI. MANDATORY REPORTING

The Court reports annually to the Supreme Court by February 1st of each year the required information from the previous calendar year regarding the fulfillment of the training requirements by personnel and the tracking of any complaint(s) and their resolution(s).

22nd Judicial District Court

Policy Prohibiting Sexual Harassment

ACKNOWLEDGMENT AND CERTIFICATION

My signature hereon acknowledges that:

- 1) I received an updated copy of the Court's Policy Prohibiting Sexual Harassment;
- 2) I read this Policy;
- 3) I understand the content of this Policy;
- 4) I agree to abide by the terms and provisions of this Policy;
- 5) I understand that compliance with this Policy is a condition of employment; and
- 6) I understand that disciplinary action, including the possibility of dismissal, will be imposed on those who violate the terms and provisions of this Policy.

EMPLOYEE SIGNATURE

DATE

EMPLOYEE NAME (PRINT)