

23RD JUDICIAL DISTRICT COURT
POLICIES AND PROCEDURES ON HARASSMENT IN THE WORKPLACE
PHILOSOPHY

The 23RD Judicial District Court of Louisiana supports the philosophy that employees have a right to a workplace free from discrimination of any kind. The 23rd Judicial District 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. It 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 within all of the Supreme Court offices.

POLICY STATEMENT

The 23rd Judicial District Court of Louisiana 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.

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 sexual conduct 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

Physical assault, repeated sexual advances, requests for sexual favors, jokes or anecdotes of a sexual nature, remarks about sexual activity or speculations about previous or future sexual experiences, unnecessary or unwelcome touching, patting, hugging, or brushing against a person's body; staring at or ogling of a person's body; inappropriate comments about one's body or clothing; display of sexually-oriented or sexually suggestive material including objects, pictures, magazines, computer programs, etc. (The presence of such material, even if seemingly hidden, will be considered a violation of this policy).

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 sexual relationship between a supervisor and subordinate, regardless of whether the relationship is consensual, is strongly discouraged.

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.

COMPLAINT PROCEDURE

It is the duty of every employee who experiences or witnesses 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 complaint, 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), the Court Administrator or Chief Judge.

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 will confidentially investigate every reported incident and take appropriate action.

COMPLAINTS OF FALSE CHARGES

Because of the nature of the problem, complaints of harassment cannot always be substantiated.

Lack of corroborating evidence should not discourage victims of harassment from seeking relief through a formal complaint. However, charges found to have been intentionally dishonest or made maliciously without regard for the truth will subject the complainant to disciplinary action.

APPLICATION AND NOTIFICATION OF POLICY

This policy is applicable to and disseminated to all officials and employees of the 23rd Judicial District Court.