

OFFICE OF THE FIFTH JUDICIAL DISTRICT ATTORNEY

SEXUAL HARASSMENT POLICY

SEXUAL HARASSMENT: The 05th JDA is committed to providing its employees a work environment free from sexual harassment. Sexual harassment undermines employee morale, interferes with productivity, and causes hostility between employees. This policy is intended to stress the 05th JDA strong opposition to sexual harassment and to identify both the complaint procedures available to victims, and the disciplinary penalties that can be imposed for sexually harassing conduct or behavior.

All 05th JDA employees have a right to work in an environment free from discrimination, including freedom from sexual harassment. All employees are required to comply with federal, state, and local law; government regulations and executive orders which relate to sexual harassment. All employees must refrain from offensive or inappropriate conduct of a sexual nature within the workplace. The District Attorney, First Assistant District Attorney and Administrator are responsible for discussing this policy with subordinates and ensuring that the work place is free of sexual harassment. Any employee violating this policy will be appropriately disciplined.

It is illegal and against the employer's policy for any worker, supervisor, manager, administrator or vendor/visitor, male or female, to harass another worker by: making unwelcome sexual advances or favors or other verbal or physical conduct of a sexual nature a condition of any worker's employment; using a worker's submission to or rejection of such conduct as the basis for or as a factor in any employment decision affecting the individual; or, otherwise creating an intimidating, hostile, or offensive working environment by such conduct.

The creation of an intimidating, hostile, or offensive working environment may include such actions as persistent comments on a worker's sexual preference or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and that are not intended to have a discriminatory employment effect may not be viewed as harassment. The employer will determine whether such conduct constitutes sexual harassment based on a review of the facts and circumstances of each situation.

Sexual harassment includes, but is not limited to, the following:

1. Unwelcome sexual flirtations, advances, or propositions;
2. Unwelcome sexual teasing, jokes, remarks, or inquiries;
3. Unwelcome sexual looks or gestures;
4. Verbal or written abuse of a sexual nature;
5. Requests for sexual favors;
 - a. Graphic, verbal, or sexual comments about an individual or to describe an individual's body;
 - b. Unwelcome physical contact (i.e., touching, rubbing against, leaning over, brushing, pinching);

- c. Sexually degrading words and demeaning or inappropriate terms (i.e., referring to a person as “Babe”, “Honey”, etc.);
- d. Sexual or insulting noises;
- e. Using crude and offensive language;
- f. Discussing sexual activities or exploits;
- g. Inappropriate commenting on a person’s attributes;
- h. Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons, or pictures.

The employer will not condone any sexual harassment of its employees. All workers, including supervisors, will be subject to severe discipline, up to and including discharge, for any act of sexual harassment they commit.

Any employee experiencing or witnessing sexual harassment by anyone in the 05th JDA, including any manager, supervisor, administrator, co-worker, vendor, client or visitor, shall immediately report the inappropriate conduct. Any such complaint may be verbally or in writing. Under most circumstances, complaints should be made to the employee’s supervisor. If the complaint involves the employee’s supervisor or someone within the direct line of supervision, or if the employee, for any reason, is uncomfortable in reporting to his/her supervisor, he/she may contact any other supervisor or directly contact the District Attorney, First Assistant District Attorney or Administrator.

All reports of sexual harassment will immediately be reported to the District Attorney, First Assistant District Attorney and Administrator or supervisor. Supervisors who receive a sexual harassment complaint should carefully investigate the matter, questioning all employees who may have knowledge of either the incident in question or similar problems. Both the complaint and the investigative steps and findings should be documented thoroughly. To ensure the prompt and thorough investigation of a harassment complaint, the complainant should provide as much of the following information as is possible:

1. The name, department, and position of the person or persons allegedly causing the harassment.
2. A description of the incident(s) including the date(s), location(s), and the presence of any witnesses.
3. The effect of the incident(s) on the complainant’s ability to perform his or her job or on other terms and conditions of his or her employment.
4. The names of other individuals who might have been subject to the same or similar harassment.
5. What, if any, steps the complainant has taken to try to stop the sexual harassment. (**Please note employees are not expected to handle any sexual harassment situation on their own at any time.**)
6. Any other information the complainant believes to be relevant to the sexual harassment complaint.

If an employee reports a sexual harassment complaint against the District Attorney, First Assistant District Attorney or Administrator, the 05th JDA can choose to select outside investigators trained in sexual harassment complaints to conduct the investigation. The 05th JDA will investigate all complaints. “Informal” complaints or requests to withhold investigation will be treated the same as a formal complaint and investigated immediately. Generally, to prevent further occurrences or to preserve the integrity of the investigation, temporary reassignments, transfers, or other personnel actions could be initiated. The investigation will be thorough and include interviews with the complainant, the accused, witnesses, and other individuals possessing relevant information. Records and other documentation will be reviewed. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded. Persons called upon during the investigation are required to answer all questions truthfully and cooperatively. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved. The investigative process will also be conducted in a confidential manner, with only those in a need-to-know position involved. The complaining employee and accused will be apprised of the outcome of the investigation. Employees who are dissatisfied with the investigating supervisor’s resolution of a sexual harassment complaint may appeal the decision to the supervisor’s superior for further review and assessment.

Any employee, after appropriate investigation that is found to have engaged in sexual harassment or inappropriate behavior of a sexual nature will be appropriately disciplined in accordance with applicable law and Employee Policy Manual. Such action may include counseling, reprimand, suspension, demotion, reassignment, or termination. In addition to disciplinary action, other appropriate measures, including re-training and follow-up inquiries, will be utilized to ensure that further harassment does not occur. An employee found to have filed a fraudulent sexual harassment complaint will be disciplined in accordance with the Employee Policy Manual.

Any employee making a good faith complaint of sexual harassment will be protected from retaliation, reprisal, and harassment. Likewise, any employee providing information or otherwise participating in the investigation of a complaint of sexual harassment will be protected from retaliation, reprisal, and harassment. If a complaint is made and the investigation reveals that retaliation, reprisal, or harassment has occurred against a complaining employee or anyone participating in the investigative process, appropriate disciplinary action, up to and including termination, will be taken.

The 05th JDA adheres to the highest legal and non-harassment standards applicable. The 05th JDA operations are conducted in strict observance of all applicable laws and the integrity of each employee is of the utmost importance. All employees of the 05th JDA are required annually to complete the mandated one-hour sexual harassment prevention training course set forth by the 05th JDA. Failure to complete this mandatory training will result in disciplinary actions. All employees will be notified via email and/or mail of changes or updates to the sexual harassment prevention policy of this office.

The Office of the Fifth Judicial District Attorney Office Administration will compile an annual report by February 1st of each year containing information from the previous calendar year regarding the Agency's compliance with the requirements of R.S. 42:341-344. This report will include the number and percentage of public servants in the agency who have completed the training requirements, the number of complaints which resulted in a finding that sexual harassment occurred, the number of complaints in which the finding of sexual harassment resulted in discipline or corrective action, and the amount of time it took to resolve each complaint. This report will be public record and available to the public in the manner provided by the Public Records Law.

This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior. An employee has the right to contact the local Equal Employment Opportunity Commission – New Orleans District Office at 500 Poydras St., Suite 800, New Orleans, Louisiana. Phone: 1-800-669-4000 or Louisiana Commission of Human Rights at 1001 N. 23rd St., Baton Rouge, Louisiana. Phone: 1-225-342-6969 to file a complaint.

Please initial each page and sign below acknowledging receipt of this policy and you have complied with applicable training requirements.