

**ANTI-HARASSMENT/DISCRIMINATION POLICY OF THE
CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS
FIRST AND SECOND CITY COURTS OF NEW ORLEANS**

The Court takes the subject of discrimination and harassment very seriously and expects that every individual employed by and/or conducting business with the court to comply fully with our Anti-Harassment and Discrimination Policy. Every employee has a right to work in an environment that is free from intimidation, harassment or discrimination. As a matter of policy, the court prohibits all forms of harassment and discrimination. If an employee is subjected to discrimination or harassment of any kind, the court will investigate and take prompt and appropriate disciplinary action up to and including termination of employment of the offending party. This includes discrimination or harassment of employees by a manager, another employee, or an outsider (clients, customers, vendors, contractors, etc.) Discrimination or harassment in any form is unacceptable and will not be tolerated.

Discrimination is defined as behavior that is offensive to individuals or groups based on:

- race
- color
- religion
- sex
- national origin
- ancestry
- age
- disability
- veteran status
- or any other protected status

This behavior is considered discrimination when it adversely impacts an individual's employment or creates an offensive or hostile work environment of any type, either explicitly or implicitly. Discrimination may take many forms; some examples include but are not limited to:

- jokes
- slurs
- stories or posted material (paper or electronic) depicting any group in an unfavorable light
- objectionable physical proximity and/or contact
- using offensive or demeaning terms to anyone

Employees are urged to report incidents of discrimination to their Judge, Supervisor, the Judicial Administrator or Human Resources so that appropriate action can be taken. If an employee's harassment or discrimination claim is against a Judge or the Judicial Administrator, the employee should report the incident to the Chief Judge and/or Court En Banc.

Harassment of employees occurring in the workplace, or in other settings in which employees find themselves in connection with their employment, is unlawful.

Furthermore, the court is committed to providing a workplace that is free from all forms of **Harassment**. Harassment is unlawful and will not be tolerated by any persons employed by and/or conducting business with the court. This includes, but is not limited to, clients, customers, vendors, consultants, temporary personnel, and applicants for employment. It is a violation of the court's policy as well as state and Federal Law (Title VII of the Civil Rights Act of 1964) for any persons employed by or conducting business with the court to harass and/or Sexually Harass any other persons employed by or conducting business with the court of the same or opposite gender.

Sexual Harassment can be described as:

1. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which is made, implicitly or explicitly, a condition of the employee's continued employment, or is used as a basis for employment decisions; or
2. When such advances, requests, or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating, or sexually offensive work environment.

Sexual harassment may occur regardless of the intention of the person engaging in the conduct. While it is not possible to list all those circumstances that constitute sexual harassment, the following are some examples of conduct, whether communicated verbally, graphically, electronically (e-mail or social media) or through physical conduct that may constitute sexual harassment:

- Sexual advances – whether they involve physical contact or not;
- Requests for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment;
- Sexual jokes;
- Use of sexual monikers; written or verbal references to sexual conduct; comments on an individual's body; comments about an individual's sexual activity, deficiencies or competency;
- Displaying sexually suggestive objects, pictures, or cartoons;
- Leering, whistling, brushing against the body, sexual gestures, suggestive, insulting or offensive comments;
- Sexting (revealing photos or sexual context messages sent across a cell phone)

- Inquiries into one's sexual experiences;
- Discussion of one's sexual activities, and;
- Assault or coerced acts.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment. Consensual sexual or romantic relationships between employees are deemed unwise and are strongly discouraged; particularly if one employee has supervisory authority over the other employee.

Responsibilities- Employees:

If an employee feels that he or she has been harassed on the basis of his or her sex, race, national origin, ethnic background, or any other legally protected characteristic they should immediately report the matter to his or her Judge or Supervisor. If that person is not available, or if the employee feels it would be unproductive to inform that person, the employee should immediately contact the Judicial Administrator, Human Resources or the Chief Judge. Once the matter has been reported it will be promptly investigated and any necessary corrective action will be taken where appropriate. All complaints of unlawful harassment will be handled in as discreet and confidential a manner as is possible under the circumstances. An employee who believes they are being harassed should do the following:

- Make their unease and/or disapproval directly and immediately known to the harasser;
- Make a written record of the date, time, and nature of the incident(s) and the names of any witnesses;

- Report the incident to the employee's Judge or Supervisor. If the employee feels uncomfortable reporting the incident to their Judge or Supervisor, the employee can report it to the Judicial Administrator or Human Resources at ext. 0370 or the Chief Judge.
- Every employee must consider the obligation to report harassment as an essential function of his or her job.

Responsibilities- Judges/Supervisors:

Judges and Supervisors must ensure that harassment or inappropriate sexually oriented conduct is reported promptly to the Judicial Administrator or Human Resources;

The Judicial Administrator or Human Resources will conduct an appropriate investigation.

No employee will be subject to any form of retaliation or discipline for filing a sexual harassment or any form of harassment complaint.

Investigation

All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need to know basis. The investigation will be prompt and will usually include detailed interviews of the persons directly involved, witnesses, and reviews of any documents that support or refute the allegations.

Determination/Discipline

Where sufficient information is available, the court will make factual and disciplinary determinations about the reported incident or complaint. However, it is not always possible to prove complaints conclusively. Sometimes, the court may not have conclusive evidence and may have to make a credibility determination. The court will carefully review all information presented and make a determination based upon a totality of the circumstances known to the court.

Employees who violate this anti-harassment policy are subject to discipline, up to and including termination. This may include first-time offenses. All disciplinary decisions will be made on a case-by-case basis. All inquiries, complaints, and investigations are treated confidentially. Information is revealed strictly on a need to know basis. Any employee who feels he or she has been subjected to such adverse actions should report this to the Judicial Administrator or Human Resources. Any employee, however, who is found to have knowingly made a false accusation of harassment or retaliation, may be subject to disciplinary action, up to and including termination.

Application and Notification of the Policy:

This policy is applicable to and disseminated to all officials and employees of the Civil District Court for the Parish of Orleans, First and Second City Courts of New Orleans in the following manner:

- The policy is disseminated to all Court employees annually via email.
- The policy is issued to all newly hired Court employees during the new hire onboarding process.

In accordance with Louisiana ACT 270, the following is effective January 1, 2019 in regards to Sexual Harassment:

- Each public servant, which includes all Court employees and Elected Officials shall receive a minimum of one hour mandatory education and training on preventing sexual harassment during each full calendar year.
- Any person designated by the Court to accept or investigate complaints of sexual harassment must receive additional education and training beyond the one hour per calendar year.

- The education and training required pursuant to this Section may be received either in person or via the internet through training and education materials approved by the public servant's agency head.
- The Human Resources office as the agency designee for the Supreme Court shall be responsible for maintaining records of the compliance of each Court employee in the agency with the mandatory training requirement.
- Each record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Mandatory reporting requirements in accordance with ACT 270:

Each agency head shall compile an annual report by February first of each year containing information from the previous calendar year regarding his agency's compliance with the requirements of this Chapter to include:

- The number and percentage of public servants in his agency who have completed the training requirements
- The number of sexual harassment complaints received by his agency
- 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
- The amount of time it took to resolve each complaint.

These reports shall be public record and available to the public in the manner provided by the Public Records Law. Agency heads in the judicial branch of state government, including the Supreme Court, courts of appeal, district courts, and other courts authorized by Article V of the Constitution of Louisiana, shall submit the report to the Chief Justice of the Supreme Court. The Human Resources office of the Louisiana

Supreme Court will be the assigned designee for the Chief Justice to collect and maintain the reports and all related records for compliance with this act for the Judicial Branch. A reporting template will be sent to all Chief Judges, Court Administrators and Clerks of Court in the Judicial Branch. The first reports required by R.S. 42:344 as enacted by this Act shall be due in February of 2020.

All courts will send their reports via email and hard copy to the Human Resources office at the Louisiana Supreme Court addressed as follows:

Veronica Cheneau,
Deputy Judicial Administrator – Human Resources
Louisiana Supreme Court
400 Royal Street
New Orleans, LA 70130
504-310-2317
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