



## **OPELOUSAS CITY COURT SEXUAL HARASSMENT POLICY**

### **PHILOSOPHY**

The Opelousas City Court is proud of its work environment in which all employees are treated with respect and dignity. It is our policy that all employees have the right to work in an environment free from any type of illegal discrimination or harassment, including racial and sexual harassment. Specifically, City Court's general harassment policy is designed to ensure that all individuals can work in an environment that promotes equal opportunities and prohibits discrimination and harassment on the basis of race, religion, color, sex, age, national origin, mental or physical disability, veteran or family status, sexual orientation, or any other status or condition protected by applicable federal, state or local laws. The policies herein seek to educate both employees and administration of the harm resulting from harassment and behaviors which constitute harassment, as well as to eliminate discrimination in the form of harassment from the City Court of Opelousas.

### **POLICY STATEMENT**

The City Court of Opelousas 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.

### **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 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 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 the Judicial Administrator (if not the offending party).

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 City Court Judge shall appoint an investigator, usually the Judicial Administrator (if not the offending party), 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 Judge. The Judicial Administrator shall make recommendations to the City Court Judge for further investigation, dismissal of the complaint, or disciplinary action up to and including dismissal.

### **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 City Court of Opelousas in the following manner:

- The policy is disseminated to all Court employees annually via email.
- The policy is permanently placed in the desktop folder for all employees which contains various policy and procedure information.
- The policy is issued to all newly hired Court employees during the new hire onboarding process.
- The policy is located on the City Court of Opelousas's website under the employment tab.

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 City Court Judge 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 Judicial Administrator as the agency designee for the City Court of Opelousas 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 City Court of Opelousas, 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 Judicial Administrator of the City Court of Opelousas will be the assigned designee for the City Court of Opelousas to collect and maintain the reports and all related records for compliance with this act. 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.

The Judicial Administrator will send reports via email and hard copy to the Human Resources office at the Louisiana City Court of Opelousas addressed as follows:

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