

22nd JUDICIAL DISTRICT COURT

ADDENDUM TO EMPLOYEE HANDBOOK (September 2015)

EFFECTIVE DATE: May 1, 2019 / Updated April 21, 2023

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

Katie Magee
Deputy Court Administrator
kmagee@stpgov.org

Court Administration office
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.

By law, the Court is required to report annually by February 1st of each year the number of employees who completed the training and the number of supervisors who completed the additional training as required.

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.

By law, the Court is required to report annually by February 1st of each year the number of sexual harassment complaints received, the number of complaints resulting in a finding of sexual harassment, the number of complaints resulting in disciplinary or corrective action, and the time taken to resolve each complaint.

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)
<https://gov.louisiana.gov/lchr>

XI. NOTICE OF LA R.S. 42:354, SEXUAL HARASSMENT POTENTIAL LIABILITY LAW

In accordance with La. R.S. 42:354, the attached notice is to advise you of the potential liability if you are determined by an agency head or a court of competent jurisdiction to have committed sexual harassment. (See the attached La. R.S. 42:353).



Supreme Court

STATE OF LOUISIANA
400 ROYAL STREET
SUITE 1190

New Orleans
70130-8101

CHIEF JUSTICE
JOHN L. WEIMER

JUDICIAL ADMINISTRATOR
SANDRA A. VUJNOVICH

TELEPHONE: (504) 310-2550
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RE: NOTICE OF LA R.S. 42:354, SEXUAL HARASSMENT POTENTIAL LIABILITY LAW

Dear Judges and Employees of the Judicial Branch of Louisiana:

In accordance with La R.S. 42:354, this notice is to be disseminated annually to every judge and employee in the judicial branch. Please be advised of potential liability if you are determined by an agency head or a court of competent jurisdiction to have committed sexual harassment. La R.S. 42:353 (emphasis added) states:

§353. Litigation and settlements

A. Notwithstanding any law to the contrary, including but not limited to R.S. 13:5108.1, when a claim of sexual harassment has been brought and the office of risk management, or the exempted institution of higher education, determines that sexual harassment did occur, **the sexual harasser shall be responsible for the payment of all or a portion of the amount of the settlement or judgment.** In determining the amount that the sexual harasser should contribute to any compromise of the claim, the following factors shall be considered:

- (1) Whether the sexual harasser was engaged in the performance of the duties of his office or employment with the state at the time the sexual harassment occurred.
- (2) The severity of the sexual harassment.
- (3) The stage of litigation.
- (4) The ability of the sexual harasser to pay.

B. When a claim is filed against the state due to a claim of sexual harassment which results in a final judgment or settlement against the state, the attorney general, on behalf of the state, may file suit against the sexual harasser to assert and enforce the state's right to reimbursement and indemnity from the sexual harasser. The attorney general is also entitled to recover from the alleged sexual harasser all costs and reasonable attorney fees incurred in asserting that right.

C. The attorney general shall receive as compensation an amount not to exceed twenty-five percent of the total monies recovered from the enforcement of the state's right to reimbursement from the sexual harasser, as set forth in this Chapter, to be deposited into the Department of Justice Debt Collection Fund. The attorney general, the office of risk management or the exempted institution, and the agency shall determine whether the interests of the state are best served by litigation or by the making of an offer or the acceptance of an offer to settle or compromise the claim or litigation.