

## **HARASSMENT PREVENTION**

### **PURPOSE OF THIS POLICY**

To define harassment and the policy of the Clerk's office toward the prevention of harassment. Harassment is a form of discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA), the Americans with Disabilities Act of 1990 (ADA), and the Louisiana Employment Discrimination Law. The Clerk of Court's office is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, harassment of employees by anyone, including management, co-workers, or third parties, will not be tolerated.

### **POLICY STATEMENT**

The Clerk's office strives to provide a comfortable, respectful, and professional work environment that is free from discrimination and harassment. The Clerk's office prohibits not only harassment, but also unprofessional or disrespectful conduct, such as intimidating and demeaning conduct, abusive conduct, verbal insults, and physical threats. Whether illegal or not, disruptive workplace behavior - from subtle exclusion to outright bullying - can create great harm for employees as individuals and to the Clerk's office, and will not be tolerated.

The Clerk's office does not tolerate such conduct for any reason, based on:

- ❖ Race
- ❖ Religion
- ❖ Color
- ❖ Sex/gender (including pregnancy, childbirth, breastfeeding, or related medical conditions); gender identity or expression; and sexual orientation
- ❖ National origin
- ❖ Ancestry
- ❖ Disability
- ❖ Genetic information/characteristics
- ❖ Age
- ❖ Military or veteran status
- ❖ Any other protected characteristic under applicable federal, state, or local law or ordinance, or regulation

The conduct prohibited by this policy includes conduct in any form, whether verbal, non-verbal, visual, written, or physical. This includes, but is not limited to, e-mail, voice mail, internet activity, text messages, pictures, images, objects, writings, words, gestures, or physical contact.

In general, discrimination and harassment can be defined as conduct that disparages or shows hostility or aversion toward a protected characteristic, as well as treating someone differently, in whole or in part, because of a protected characteristic.

Harassment can take many forms, including epithets or slurs; threats; derogatory names, comments, objects, or visual depictions; jokes or teasing; and other verbal, nonverbal, written, visual, or physical conduct.

Sexual harassment can include a range of subtle or blatant behaviors and may involve individuals

of the same or different gender. It can be generally defined as: unwelcome sexual advances, requests for sexual favors, or inappropriate conduct of a sexual nature, including, but not limited to, sexually related images, jokes, teasing, uninvited touching, or other sexually related conduct where such conduct:

- ❖ requires submission to the conduct as a term or condition of employment or is used as a basis for employment decisions.
- ❖ unreasonably interferes with an individual's work performance or
- ❖ creates an intimidating, hostile, or offensive working environment, and shall not be tolerated.

Additionally, sexual harassment includes sexual misconduct, which is behavior of a sexual nature that also involves coercion, abuse of authority, or misuse of an individual's employment position.

Sexual harassment does not need to be motivated by sexual desire to be unlawful or to violate this policy. For example, hostile acts toward someone because of that person's gender, gender identity or expression, or sexual orientation can amount to sexual harassment, regardless of whether the treatment is motivated by sexual desire.

The victim and the harasser may be of any gender, and harassment can occur between individuals of the same sex or different sexes.

Harassment, whether sexual or based on another protected status, is not limited to the physical workplace itself. It can occur while employees are working with other agencies, are traveling for business, or at Clerk of Court sponsored events off-site. Calls, texts, emails, and social media usage by employees can also constitute workplace harassment, even if such activities occur away from the workplace, on personal devices, or during non-working hours.

Individuals in a supervisory and/or leadership capacity are expected to have a high level of consciousness regarding this policy, which includes fostering a work environment where harassment and discrimination are not tolerated, encouraging employees to raise any concerns, and promptly advising the Clerk of Court of any potential incidents of harassment or discrimination.

The two basic types of unlawful harassment are Quid Pro Quo Harassment - "This for that", and Hostile Work Environment Harassment.

### **QUID PRO QUO HARASSMENT "THIS FOR THAT"**

Quid pro quo harassment occurs when employment decisions—such as hiring, promotion, or termination—are influenced by an employee's response to unwelcome sexual advances or religious pressures. This type of harassment is typically committed by someone with the authority to affect employment status or decisions.

Examples of Quid Pro Quo Harassment include:

- ❖ A supervisor denying a promotion or terminating an employee for refusing sexual advances.

- ❖ A supervisor conditioning employment on participation in religious activities.
- ❖ Offering job benefits in exchange for sexual favors.
- ❖ Threatening retaliation after the rejection of sexual advances.

## **HOSTILE WORK ENVIRONMENT HARASSMENT**

Hostile work environment harassment arises when unwelcome behavior creates an intimidating, offensive, or abusive workplace atmosphere. This conduct can come from anyone in the workplace, including coworkers, supervisors, vendors, contractors, customers, or other third parties.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Examples of behaviors that may contribute to a hostile work environment include:

- ❖ Unwanted sexual advances or propositions.
- ❖ Discussions of sexual activities or repeated verbal abuse of a sexual nature.
- ❖ Derogatory, demeaning, or offensive remarks, jokes, or slurs related to race, gender, disability, or other protected characteristics.
- ❖ Inappropriate physical conduct such as touching, blocking movement, or physical intimidation.
- ❖ Displaying sexually suggestive or racially insensitive materials, images, or gestures.
- ❖ Gossip or invasive discussion about personal matters, including sexual orientation, gender identity, or relationship status.
- ❖ Using crude language
- ❖ Sabotaging an employee's work or reputation.
- ❖ Workplace bullying—persistent actions that humiliate, intimidate, or provoke another employee.
- ❖ Third-party harassment, where employees are negatively impacted by inappropriate behavior directed at others.
- ❖ Inappropriate or harassing behavior via social media (e.g., Facebook, Instagram, Snapchat, Twitter, blogs, or public forums), regardless of whether the activity occurs during or outside of work hours.

All complaints of sexual harassment, hostile work environment, or any other form of unlawful harassment will be taken seriously and investigated promptly and thoroughly. Any employee found to have engaged in unlawful harassment will face disciplinary action, up to and including termination of employment.

## **REPORTING & INVESTIGATION OF HARASSMENT ALLEGATIONS**

All Clerk of Court employees are responsible for helping to enforce this policy against harassment. Anyone who believes they have experienced or witnessed conduct in violation of this policy must report it to a Department Head, Human Resources, Chief Deputy, or the Clerk of Court. Reports

can be made orally or in writing and may be made anonymously; however, anonymous reports may impede our investigation efforts if insufficient information is provided. Once there is an allegation of harassment, the Clerk's office has an obligation to investigate.

When filing a complaint, an employee will:

- ❖ Cooperate with the investigation fully.
- ❖ Answer questions.
- ❖ Define the harassing behavior.
- ❖ State when the harassment took place and how frequently.
- ❖ Identify any witnesses.
- ❖ Acknowledge if others have been subjected to this same behavior.

The individual accused of harassment and the individual filing a complaint shall be required to participate in the investigation.

The Clerk's office will investigate all reports immediately, fairly, and in accordance with any legal requirements, and employees are expected to cooperate. Confidentiality will be maintained to the extent possible; however, complete confidentiality cannot be guaranteed, as our duty to investigate and take appropriate action may require the disclosure of information to individuals with a need to know. Actions of the complaint shall be documented. When the investigation is completed, the complainant will be informed of the outcome of the investigation. Regardless of the outcome, employees also have the right to pursue their claims under State and Federal Law.

If it is determined that prohibited conduct has occurred, appropriate action will be taken in accordance with the circumstances involved. This may include disciplinary action, up to and including termination. Employees who engage in unlawful harassment can also be held personally liable for the misconduct.

Due to the sensitive and personal nature of harassment complaints, it may not always be possible to fully substantiate every allegation. However, the absence of corroborating evidence should never discourage an employee from filing a formal complaint in good faith.

At the same time, any individual who knowingly submits a false or malicious complaint—intended to mislead, harm, or retaliate—may be subject to disciplinary action, up to and including termination of employment.

Adverse action or retaliation will not be taken against anyone who, in good faith, reports or participates in an investigation under this policy. Retaliation is illegal and will result in disciplinary action, up to and including termination. Any potential occurrence of retaliation should be reported to the Clerk of Court, Chief Deputy, or Human Resources.

## **SUMMARY**

The foundation of any harassment policy is prevention. Prevention is all about respect and embracing diversity in the work environment. All employees should recognize that some topics

and behaviors are not appropriate or acceptable while at work. Harassment is a form of misconduct that undermines employee morale and interferes with the efficiency and productivity of the workforce. It is the goal of Clerk of Court management to eliminate all potential harassment, unprofessional or disrespectful conduct, and employees should feel comfortable raising any concerns or asking any questions to help achieve this goal. Additional information may also be obtained from the federal Equal Employment Opportunity Commission or the Louisiana Commission on Human Rights.

All employees are required by Louisiana Law to complete a minimum of one hour of Sexual Harassment Training each full calendar year.

Supervisors and any person designated by the agency to accept or investigate a complaint of sexual harassment must receive one additional hour of education and training each full calendar year.

The education and training may be received either in person or via the internet.