

SEXUAL HARASSMENT

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 his/her supervisor (if not the offending party), and to the Court Administrator or presiding judge(s).

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

When the harassment complaint is between a supervisory manager who is a judge and a court employee, the Court Administrator will immediately inform the Chief Judge or, if appropriate, another judge. The judge who receives the complaint shall notify the Chief Judge if the complaint involves a possible violation of federal or state law and/or canon, at which time, the Chief Judge may, at his or her discretion, appoint a third party or outside investigator to review the matter to determine if any immediate actions need to be taken to protect the employee bringing the complaint.

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 an disseminated to all officials and employees of the 9th Judicial District Court 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 process.
- * The policy is located on the Court's website.

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 Court Administrator's Office shall be responsible for maintaining records of the compliance of each Court employee in the agency with the mandatory training requirements.
- * 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 the agency who have completed the training requirements.
- * The number of sexual harassment complaints received by the 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.

All agency heads of the judicial brance3 of state government shall submit the report to the Chief Justice of the Supreme Court.

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 Cheneua
Deputy Judicial Administrator - Human Resources
Louisiana Supreme Court
400 Royal Street
New Orleans, La 70130
(504)310.2317
vcheneau@lasc.org**

****This policy was adopted during a regularly scheduled 9th JDC judges meeting held on October 16, 2019.**