



Iberia Parish Clerk of Court

SEXUAL HARASSMENT POLICY

1 - SEXUAL HARASSMENT DEFINED

1.0 Sexual Harassment is defined by the Equal Employment Opportunity Commission as unsolicited and unwelcomed sexual advances, requests for sexual acts or favors, and other verbal or physical or inappropriate conduct of a sexual nature when:

- 1.0.A**
- submission to such conduct is made either explicitly or implied as a term or condition of an individual's employment; or
 - submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
 - the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

2 – PROFESSIONAL WORK ENVIRONMENT

2.0 The Clerk of Court is committed to providing a work environment free from inappropriate and offensive behavior of a sexual nature that is not welcome, is personally offensive, fails to respect the rights of others, or lowers moral and negatively impacts the work environment. Such behavior is prohibited and will not be tolerated. To accomplish this requires the personal involvement and commitment of every employee. This policy applies to all clerk employees, including full time, part time, and temporary employee as well as any non-employee. Examples of a non-employee are, but are not limited to, customers, and vendors. These non-employees are prohibited from engaging in these behaviors and likewise are protected from experiencing such behavior by employees. This policy prohibits such behavior at the workplace and all other locations while; traveling for work, attending institutes, conventions, and business related events. In addition, it applies to off-duty, off-premises behaviors which have a negative impact on the workplace.

2.1 Sexually inappropriate behavior can take many forms, including unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. It may be by a person of either gender against a person of the opposite or same gender. An employee may also be the victim of inappropriate behavior even though not the target of such behavior, such as overhearing sexually explicit jokes. Examples of inappropriate verbal and physical behaviors could include, but not limited to the following; unwelcomed sexual flirtations, unwelcomed request for sexual favors, unwelcomed sexual jokes, unwelcomed physical contact like rubbing, pinching, invading another's personal space, unwelcomed sexual looks or gestures, sexually graphic verbal comments about an individual's appearance, discussions of sexual activities, displaying sexual objects or pictures, and unwelcomed repeated requests for dates



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3 - COMPLAINT REPORTING

3.0 Any employee experiencing, witnessing, or having knowledge of any type of sexual harassment, harassment, discrimination, or retaliation has a responsibility to promptly report the complaint. An employee should also report activity or behavior which makes them:

- 3.0.A**
- feel uncomfortable in a situation because of someone's harassing, sexually suggestive, abusive, discriminatory, or retaliatory behavior;
 - feel that another's harassing, sexually suggestive, abusive, discriminatory, or retaliatory comments or actions are improper in a work environment;
 - believe that another's harassing, sexually suggestive, abusive, discriminatory, or retaliatory behavior impairs their ability to do their job; or
 - want the harassing, sexually suggestive, abusive, discriminatory, or retaliatory behavior to stop.

3.1 The Clerk of Court sets no fixed reporting time or deadline to report a complaint. Prompt reporting is ideal. Reporting of the incident should be made either orally (in person or via phone) or in writing (memo, text, email). Employees are to report it to at least 1 of the following parties: their immediate Supervisor, any other Supervisor, the Chief Deputy, or the Clerk of Court. A complaint should include as much information as possible, for example the specific incident, date and place of incident, names of all parties involved, witness names, etc. Anyone receiving a complaint shall immediately report it to the Clerk of Court or the Chief Deputy.

4 – INVESTIGATION OF A COMPLAINT

4.0 All complaints will be promptly and thoroughly investigated in order to determine the pertinent facts. The Clerk of Court will take prompt and appropriate action. Investigations may include individual interviews with all relevant persons including, but not limited to, the complainant, the accused and anyone who may have other relevant information. Employees do not have the option of declining to be involved in an investigation.

4.1 Employees participating in an investigation are required to answer all questions truthfully, fully, and completely; and may be required to give a written statement. Employees shall keep the complaint and all information learned in an investigation confidential. Investigators will make every effort to strike a balance between the parties' desire for privacy and the need to conduct a fair and effective investigation. Employees are prohibited from obstructing or interfering with an investigation, which includes questioning or confronting any employee participating in the investigation, such as but not limited to, the investigator, complainant, accused, and witnesses. To preserve the integrity of the investigation and prevent further occurrences, temporary transfers, forced leave or other actions may be utilized during the pending investigation process. Upon the conclusion of the investigation, the complainant and accused will be apprised of whether the complaint was substantiated or unsubstantiated.



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5 - RETALIATION

- 5.0** Retaliation is any adverse action or threat made because an individual has exercised or attempted to exercise any rights, or opposed any violation of such rights under state or federal employment laws, or under the policies of the Clerk. Retaliation includes, but is not limited to: verbal abuse, threats of withholding pay, promotions, other employment opportunities, or any significant adverse treatment based on a retaliatory motive that may deter protected activity.
- 5.1** Any employee, who in good faith, files a complaint of sexual harassment, harassment, discrimination or retaliation, or who participates in an investigation, will be free from any and all reprisal or retaliation as a result of filing the complaint or participating in the investigation. Retaliation will not be tolerated and may result in disciplinary action including discharge.

6 – DISCIPLINARY AND CORRECTIVE ACTION FOR A VIOLATION

- 6.0** Any employee found to have violated the Sexual Harassment, Harassment, Discrimination, and Retaliation policy will be subject to corrective action, including mandatory training, disciplinary action up to and including termination. Corrective and disciplinary action may be imposed for the following, including but not limited to:
- 6.0.A**
- failure to comply with mandatory training requirements,
 - failure by a supervisor or manager to timely transmit a reported complaint to the Chief Deputy or to the Clerk of Court,
 - failure to participate or cooperate in an investigation,
 - providing false or withholding information during an investigation,
 - filing a false, malicious, or frivolous complaint,
 - harassment, reprisal, or retaliation towards a complainant, accused, or anyone involved in the investigative process
- 6.1** Documentation and disciplinary action may be documented on the Employee Warning Report form (COC-FRM-001 and Progressive Discipline should be followed (COC-POL-001).

7 - MANDATORY TRAINING

- 7.0** All employees must receive at least 1 hour of training annually on sexual harassment, harassment, discrimination and retaliation. In some circumstances, more than an hour of training may be required.

DOCUMENT HISTORY

REV. 00 01/01/20 Wess Robison To document the Sexual Harassment Policy.