

Terrebonne Parish District Attorney's Office Policy Prohibiting Sexual Harassment

Employees of the Terrebonne Parish District Attorney's Office (TPDA) have an expectation and right to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. The office strives to maintain a workplace that fosters mutual respect and promotes harmonious, productive working relationships. As such, TPDA 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. Any unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature constituting sexual harassment when the conduct explicitly or implicitly affects an individual's employment or the holding of office, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment shall not be tolerated by TPDA.

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 the complainant and without regard for the purpose or motive of the accused. It may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. It can occur in person, in writing, or electronically, such as email, instant messaging, text messaging, blogs, web pages, social media, etc. The harasser can be a supervisor, co-worker, other state employees, or a non-employee who has a business relationship with the office.

Sexual harassment exists when there are unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual;
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or
- The behavior persists despite objection by the person to whom the conduct is directed.

Unwelcome actions such as the following are inappropriate and depending on the circumstances, may in and of themselves meet the definition of sexual harassment or contribute to a hostile work environment (the following are a few examples and are not all inclusive):

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Lewd comments about an individual's body;
- Touching or grabbing of a sexual nature;
- Talking about one's sexual activity in front of others;
- Repeatedly cornering, leaning in, or standing too close to or brushing up against a person,

- Repeatedly asking a person to socialize during off duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace,
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. TPDA is committed to take appropriate action, even if the individual does not wish to file a formal complaint.

An employee experiencing or witnessing unwelcomed behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. However, if the behavior continues, the concern should be reported promptly. TPDA recognizes that confronting an offender in this fashion can be discomfiting, especially in those situations in which the offender is within the employee's supervisory chain of command. Therefore, TPDA does not require employees to do so, and certainly does not require that this be done before reporting the behavior.

Employees experiencing or witnessing sexually inappropriate behavior are encouraged to report such behavior to the employee's direct supervisor. The report or complaint may be made verbally or in writing. However, if the complaint involves the supervisor or, regardless of reason, the employee prefers to not involve that supervisor, the report can be made to any supervisor in TPDA or directly to the Office Administrator. Supervisory personnel receiving a report of sexually inappropriate behavior are required to immediately inform the Office Administrator of the information provided. All reports and complaints of sexually inappropriate behavior will be directed to the Office Administrator who shall assess the information provided. Management personnel in a need-to-know capacity will be apprised of the complaint. An assessment of the preliminary information provided will be done to determine whether action should be taken to prevent further occurrence of the offensive behavior. The investigation will be given priority and begin as soon as possible. The investigation generally will begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Individuals possessing relevant information will be interviewed. Once all available information is evaluated, the accused will be interviewed. 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 investigation 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 Office Administrator will apprise management of the outcome

and recommendations for resolution. The complainant and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate 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.

Charges of sexual harassment are serious charges, and employees should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

No employee who makes a good faith complaint under this policy, or who participates in an investigation of a charge made under this policy or any other proceeding involving a complaint of sexual harassment, shall be adversely affected because of his or her complaint or participation. Acts of retaliation shall be reported immediately and will be promptly investigated and addressed. If an investigation reveals that harassment, retaliation or reprisal has occurred, sever disciplinary action will be imposed, up to and including termination.

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior; employees have a right to file a claim under state and federal law. This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law. Sexual harassment in the workplace is strictly prohibited under the Equal Employment Opportunity Act, 42 U.S.C. 2000e-2; the Louisiana Employment Discrimination Law, R.S. 23:301 through 303 and 332; and the Louisiana laws on the prevention of sexual harassment, R.S. 42:341 through 345.