

**Effective January 1, 2019**

**Acts 2018, No.270, La. R.S. 42:342-345, effective January 1,2019, was enacted. The following is the policy, developed and instituted by the Office of the District Attorney, to prevent sexual harassment, as directed by the Act. The first reports required by R.S. 42:344 as enacted by the Act shall be due in February of 2020.**

**POLICY TO PREVENT  
SEXUAL HARASSMENT**

The Office of the District Attorney is committed to providing a working environment free from discrimination, and to prohibit harassment of its employees and/or any persons, including sexual harassment, as set out in general provisions establishing such policy contained in the Assistant District Attorney's Policy Manual (at page 31) and in the Personnel Policy Manual (at page 24).

As a result of Act No. 270 of the 2018 Louisiana Legislative session, La. R.S. 42:341-345 was enacted to mandate the Office of the District Attorney, an "agency" as defined therein, and the District Attorney, an "agency head" as defined therein, develop and institute a policy to prevent sexual harassment which is applicable to all employees of the Office of the District Attorney, "public servants" as defined therein.

**POLICY.** The Policy to Prevent Sexual Harassment is hereby established as follows:

1. Unwelcomed sexual advances, requests for sexual favors, and other verbal, physical or inappropriate conduct of a sexual nature constitute 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 and **SHALL NOT BE TOLERATED.**
2. Inappropriate conduct may be defined or described, by any person of either gender against a person of the same or opposite gender, by words or conduct, verbal, non-verbal, or physical as, including but not limited to, the following examples:
  - a. Unwelcomed sexual flirtations, advances, or propositions;
  - b. Unwelcomed requests for sexual favors;
  - c. Unwelcomed sexual teasing, jokes, remarks, insults, innuendo, or inquiries,
  - d. Unwelcomed physical contact, (i.e. touching, rubbing, leaning over, pinching, invading space, purposefully cornering, or blocking passage.)
  - e. Unwelcomed sexual looks or gestures;
  - f. Verbal, written or physical abuse of a sexual nature;

- g. Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
- h. Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.)
- i. Sexually insulting noises;
- j. Using crude and offensive language;
- k. Discussing sexual activities or exploits;
- l. Inappropriate commenting on a person's attributes;
- m. Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures; and,
- n. Unwelcomed repeated requests for dates or social engagements.

**REPORTING.** Any employee experiencing, witnessing or having knowledge, directly or indirectly, of sexually inappropriate conduct by anyone or towards anyone employed by the office, shall immediately report the occurrence and make a complaint to the district attorney.

**PROCEDURE.** The complaint or grievance process shall be as follows:

1. Complaints may be verbal or in writing. If made verbally, the complaint shall be reduced to writing and signed by the complainant;
2. The District Attorney shall directly investigate the process, in his discretion;
3. The investigation will be thorough and may involve the assistance of law enforcement, if deemed feasible;
4. The investigation will include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.
5. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
6. Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively, as a condition of employment. Employees do not have the opinion of remaining silent or declining to be involved.
7. The investigative process shall be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
8. To the extent allowed by law, the investigative process will be conducted and completed in a confidential manner, with only those in a need-to-know position as determined by the District Attorney involved. The complaint and all information provided during the investigation will remain confidential, except that if a criminal act is determined to have occurred, the complaint and all information provided shall be reported to law enforcement.

9. Upon completion of the investigation, the District Attorney will apprise the complainant and the accused of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

#### **RESOLUITION.**

1. Any employee found, after appropriate investigation, as determined by the District Attorney, to have engaged in sexually inappropriate behavior, shall be disciplined, which may include counseling, reprimand, suspension (with or without pay), demotion, reassignment, reduction in pay or termination.
2. If it is determined that criminal laws may have been violated by the employee, all information provided in the investigation shall be reported to law enforcement.
3. Any employee making a good faith complaint of sexually inappropriate behavior and any employee providing information or otherwise participating in the investigation of such complaint shall not be subjected to retaliation, reprisal and harassment by any other employee.
4. If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process, then appropriate disciplinary action will be taken, including the possibility of termination.
5. Regardless of the outcome, the complainant shall have the benefit of pursuing any and all claims under state or federal law applicable to sexual harassment.

**TRAINING.** All employees of the Office of the District Attorney shall receive a minimum of one hour of education and training on preventing sexual harassment during each calendar year of employment, as determined and approved by the District Attorney. Records shall be maintained by the District Attorney of the compliance of each employee with the mandatory training requirement. Such compliance record shall be a public record and available to the public in accordance with the Public Records Law.

**NOTICE.** The office Policy to Prevent Sexual Harassment and the complaint procedure shall be prominently posted on the office website and Judicial District Attorney's Office. It shall also be included in the Assistant District Attorney's Policy Manual and in the Personnel Policy manual. The District Attorney shall compile an annual report as required by law regarding compliance, which shall include if applicable:

1. The number and percentage of employees in the office who have completed the training requirements;
2. The number of sexual harassment complaints received by the District Attorney;

3. The number of complaints which resulted in a finding that sexual harassment occurred;
4. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
5. 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.