

# Discrimination, Harassment and Retaliation

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The Clerk of Court is committed to treating all employees equally and to providing a positive working environment free of any form of discrimination, harassment or retaliation. Any employee who engages in discrimination, harassment or retaliation puts the Clerk's Office at financial risk and could also be personally liable for damages, attorney fees and costs.

Every employee is equally responsible for implementing this policy and the state and federal laws prohibiting discrimination, harassment and retaliation based upon race, color, religion, gender, age, national origin, sexual orientation, disability, military status, pregnancy status or any other legally protected status. See Louisiana Employment Discrimination Law, La. Rev. Stat. § 23:301, et seq.; Title VII of the Civil Rights Act of 1964 as amended, 42 USC § 2000e; and other Federal laws prohibiting discrimination, harassment and retaliation.

Discrimination, harassment and retaliation will not be tolerated by the Clerk's Office. Any employee who engages in discrimination, harassment or retaliation in violation of federal and state law or of the Clerk's policy will be subject to discipline, including but not limited to reprimand, suspension without pay, or termination.

**Harassment** is any verbal, visual, physical or non-physical conduct, or any type of communication to another employee, including, but not limited to, jokes, slurs, drawings, pictures, cartoons, graffiti, or e-mail pertaining to an individual, that denigrates, intimidates, or shows hostility or an aversion to an individual because of his/her race, color, religion, sex, gender, age, national origin, sexual orientation, disability, military status, pregnancy status or any other legally protected status.

**Racial harassment** is any act that intimidates or creates a hostile working environment for another employee due to his or her race, color, or national origin. The following is an example of prohibited acts that could constitute racial harassment:

- Imposing a requirement or restriction on employees of a race, color, or national origin not imposed upon employees of another race, color, or national origin occupying the same or similar positions of employment
- The use of racially derogatory words, jokes, epithets
- Displaying racially offensive cartoons, jokes, or symbols

**Sexual harassment** is unwelcome sexual advances, requests for sexual favors, and other verbal, visual, physical, or inappropriate conduct of a sexual nature 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. The following are examples of prohibited acts that could constitute sexual harassment:

- Unwanted sexual advances toward another employee
- Requesting another employee to perform sexual acts or favors
- Verbal or physical conduct of a sexual nature which interferes with another employee's work performance or creates an intimidating or offensive working environment for another employee
- Remarks about sexual orientation made to another employee
- Unwanted touching of another employee
- Use of implicit or explicit sexual behavior to control or influence or affect the career, salary, job or working environment of another employee
- Imposing a requirement or restriction on employees of one gender which is not imposed upon employees of another gender occupying the same or similar positions of employment
- The use of gender stereotypes based on gender or sex
- Graphic, verbal comments about an individual's body
- Displaying pornographic or sexually suggestive materials, including cartoons or pictures

**Retaliation** is an adverse consequence to an employee including suspension, demotion, dismissal or disparate treatment. Retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding of a claim of harassment or discrimination is a violation of state and federal law. Retaliation, like harassment or discrimination, is a serious violation of this policy that will result in disciplinary action up to and including termination.

## **REPORTING INCIDENTS OF DISCRIMINATION, HARASSMENT OR RETALIATION**

Incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position, must be reported immediately to the reporting employee's Department Administrator or the Human Resources Director. If the employee, for whatever reason, feels uncomfortable reporting the incident to his or her Department Administrator or the Human Resources Director, the employee must report the incident to the Chief Deputy.

## **INVESTIGATION OF REPORTS OF DISCRIMINATION, HARASSMENT OR RETALIATION**

The Clerk of Court will take immediate and appropriate action when a complaint is received. This may include conducting an investigation into the complaint. All

employees are required to cooperate with an investigation and provide truthful, accurate information. Employees shall maintain all information regarding the investigation confidential. Additionally, the Clerk of Court requires all employees to cooperate with federal, state and/or local government agencies responsible for enforcing compliance with equal employment opportunity laws. All actions taken by the Clerk of Court in response to a complaint shall be documented.