

HARASSMENT POLICY

This represents the policy of the 29th Judicial District - District Attorney's Office concerning harassment - both general and sexual. Any questions concerning the context of this policy should be discussed with your department head or the First Assistant District Attorney, Juan A. Byrd.

It is the belief of 29th Judicial District - District Attorney's Office that its employees are the primary means by which the goals and objectives of the organization will be met. All employees of the 29th Judicial District - District Attorney's Office must understand its position on harassment. By definition, harassment is any unwanted physical or verbal conduct or action, prohibited by law, by someone in the workplace that creates an intimidating, hostile, or offensive work environment, including discrimination and sexual harassment.

The management of the 29th Judicial District - District Attorney's Office strongly disapproves of activity which falls within the definitions of unlawful harassment and will take appropriate action to end said harassment and/or prevent the recurrence of any such misconduct. Any form of harassment or discrimination that violates federal, state or local law, including but not limited to that which is related to an individual's race, religion, color, sex, sexual orientation, national origin, pregnancy, age, disability, or other traits, characteristics or activities that are protected by law, is a violation of this policy and will be treated as a disciplinary matter.

The procedure for reporting and dealing with these very sensitive issues is as follows: If a person's behavior makes an employee uncomfortable, the employee should feel free to immediately advise that person that, in the employee's opinion, the behavior is inappropriate and that the employee would like it stopped.

If the employee is not comfortable discussing the issue with the person or if the person fails to respect an employee's request, the employee should report the incident to his or her supervisor. If, for whatever reason, the employee does not feel that the supervisor is a suitable person to whom to report the incident, the employee should contact the First Assistant District Attorney, Juan A. Byrd or his designee at (985) 783-6263.

More specifically as to the issue of Sexual Harassment, it may be defined as unsolicited, offensive behavior that inappropriately asserts sexuality over employees including but not limited to the following:

- a) *Verbal*: Sexual innuendos, suggestive comments, threats, sexual humor;
- b) *Non-Verbal*: Leering, whistling, obscene gestures;
- c) *Physical*: Touching, brushing the body, coerced sexual activity, assault.

Whether or not a particular incident is sexual harassment requires a complete factual investigation and the 29th Judicial District - District Attorney's Office will conduct such investigations on all complaints in a manner so as not to cause any serious effect on innocent employees who either file a complaint and/or may be

the subject of a filed complaint. In all instances, a prompt and thorough investigation will take place giving careful consideration to protect the rights and dignity of all persons involved. The 29th Judicial District, District Attorney will take those steps it feels necessary to resolve the problem which may include verbal or written reprimand, suspension or termination.

It should be understood that the 29th Judicial District - District Attorney's Office will investigate by gathering information in as confidential manner as possible given the need to investigate the complaint from all concerned parties and will not retaliate against any employee as a result of reports of alleged harassment or cooperation with any investigation. The 29th Judicial District - District Attorney's Office may consult its legal representative for assistance in determining whether conduct which has occurred does, in fact, constitute sexual harassment. The 29th Judicial District - District Attorney's Office may also make subsequent inquiries from time to time to ensure offensive conduct does not resume and/or that the subject of such harassment has not suffered any retaliation. No retaliation of any kind will be tolerated because an employee, in good faith, reports an incident of suspected harassment. The supervisor, or other person to whom the complaint was made, will work to establish mutually agreed upon safeguards against retaliation while attempting to mediate any sexual harassment complaint.

Any employee who believes he or she has been subjected to unlawful harassment, sexual harassment or retaliated against for reporting such activities or assisting in a related investigation of such activities must report the alleged act immediately or as soon as possible to the employee's immediate supervisor or to the First Assistant District Attorney. It is not necessary to complain to an offending supervisor in order to report sexual harassment.

Any employee, manager, or supervisor found by the 29th Judicial District - District Attorney's Office to have unlawfully harassed, sexually harassed otherwise unlawfully discriminated against, or unlawfully retaliated against another employee will be subject to appropriate discipline, up to and including termination.