



**State of Louisiana**  
**Court of Appeal, Second Circuit**  
**HARASSMENT and DISCRIMINATION POLICY**

Adopted July 31, 1997, Amendment Approved by Administrative Court Conference April 18, 2019

It is the policy of the Second Circuit Court of Appeal that it will not tolerate verbal or physical conduct of any public servant, employee or Judge, male or female, which harasses, disrupts, or interferes with another's work performance or which creates an intimidating, offensive, or hostile environment.

While all forms of harassment are prohibited, it is the Second Circuit Court of Appeal's policy to emphasize that sexual harassment is specifically prohibited and shall not be tolerated. Each judge and supervisor has a responsibility to maintain the workplace free of any form of sexual harassment. Unwelcome 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. No supervisor shall threaten or insinuate, either explicitly or implicitly, that an employee should submit to sexual advances or that the refusal to submit to sexual advances will adversely affect the employee's employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development.

Prohibited sexually harassing conduct in the workplace, whether committed by judges, supervisors or non-supervisory personnel includes, but is not limited to:

- (1) unwelcome sexual flirtations, touching, advances, or propositions;
- (2) verbal abuse of a sexual nature;
- (3) graphic or suggestive comments about an individual's dress or body;
- (4) sexually degrading words to describe an individual;
- (5) the display in the workplace of sexually suggestive objects or pictures, including nude photographs;
- (6) other similar offensive conduct.

Any employee, male or female, who believes that the actions or words of a supervisor or a fellow employee constitute harassment has a responsibility to report or to complain as soon as possible. Complaints are to be made following guidelines set forth in the Procedures for Problem Resolution adopted by this Court on July 31, 1997. Complaints should be made to this Court's Agency head, the Chief Judge, or alternatively, to the Judicial Administrator or Business Services Manager. All complaints of harassment will be investigated promptly and documented, and with the utmost regard for impartiality. The identity of an individual who submits a report, a witness who provides information regarding a report, and the target of the complaint, will be kept confidential to the extent possible consistent with a thorough and impartial investigation. Any information gathered as part of an investigation will be kept confidential to the extent possible consistent with a thorough and impartial investigation.

Retaliation against an individual for filing a complaint or testifying or participating in any way in an investigation or other proceeding involving a complaint of sexual harassment is strictly prohibited and will be disciplined appropriately.

Any judge, supervisor or other employee who is found after appropriate investigation to have engaged in harassment of another employee will be subject to appropriate disciplinary action, depending on the circumstances, up to and including termination, or complaint to the Louisiana Attorney Disciplinary Board/Office of Disciplinary Counsel or the Judiciary Commission.

See: La. R.S. 42:341 through 345, Section 703(a)(1) of Title VII of the Civil Rights Act of 1964 (Title VII), and [https://www.eeoc.gov/laws/types/sexual\\_harassment\\_guidance.cfm](https://www.eeoc.gov/laws/types/sexual_harassment_guidance.cfm).