

DISTRICT ATTORNEY'S OFFICE, 7TH JDC
SEXUAL HARASSMENT POLICY

Sexual harassment is not tolerated in the Office of the District Attorney, 7th JDC. This includes any setting at any time that involves any employees of this office. The harasser(s) and the victim(s) may both be employees of our office or one may be from outside of our office. In any case, all sexual harassment situations must be reported immediately.

A) Defining Sexual Harassment

- 1) In its 1980 guidelines prohibiting sexual harassment in the work place, the Equal Employment Opportunity Commission (EEOC) defined sexual harassment broadly. The guidelines state that unwelcome sexual advances, requests for sexual favors, and other verbal physical conduct of a sexual nature constitute sexual harassment when:
 - a) Submission is made either explicitly or implicitly a term or condition of employment;
 - b) Submission to or rejection of a sexual invitation is used as the basis for employment decisions; or
 - c) Sexual advances or request for sexual favors has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive@ working environment.
- 2) Sexual harassment does not refer to the behavior or occasional compliment of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale, or interferes with work effectiveness.
- 3) For action to be taken, sexual harassment must be sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment.
- 4) Although perhaps the most common form of sexual harassment is the demand for sexual favors, sexual harassment can take on many different forms. Other forms of harassment include: sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, sexual suggestive objects, pictures, graphics, commentaries, suggestive or insulting sounds, leering, whistling, obscene gestures, and unwanted physical contact. Widespread favoritism in the workplace of a paramour or friend based on the granting of sexual favors may create an illegal hostile work environment. Intimate relationships between supervisors and subordinate employees are to be reported to the District Attorney.
- 5) Discretion will be used while investigating and remedying sexual harassment claims. Situations will be reviewed on a case-by-case basis. Sexual harassment offenders will be subject to discipline up to and including discharge.

- 6) All investigations will be handled in a prompt and confident manner. Certain individuals may need to be interviewed regarding the sexual harassment complaint. The importance of confidentiality will be explained to these people to ensure as much privacy as possible.
- 7) Any and all records maintained in a sexual harassment investigation are confidential and access to these records are limited to those who need the records for official use with permission from the District Attorney.
- 8) Sexual harassment, whether experienced or observed personally or reported by another person, must be addressed. In the eyes of the law, supervisors and managers are the agency. Employers are liable when a supervisor uses his/her vested authority to commit Aquid pro quo@ harassment, making submission to a sexual invitation a term or condition of employment or the basis for employment decisions.

B) Procedures

- 1) Claim
 - a) Notice of a sexual harassment claim should be submitted as soon as possible. Notice can be from the victim or an observer.
 - b) Notice should be submitted to the Human Resources Officer or the District Attorney. Having males and females available for claims filing will hopefully make the reporter of the incident more comfortable by allowing him/her the opportunity to initially talk to someone of the same sex. The District Attorney will lead the investigation.
 - c) Notice does not have to be given to an immediate supervisor; however, notice does need to be given to the Human Resources Officer or the District Attorney.
 - d) Complete an EEOC claim form which can be obtained from the Human Resource Officer. If requested, the Human Resources Officer will assist you.
 - e) Provide as much information as you feel relevant.
 - f) Allow the Human Resources Officer or the District Attorney to discuss the incident with you for further clarification and documentation.
- 2) Investigation
 - a) Interviewing the parties involved and any named witness(es) will begin immediately.
 - b) A statement from each person interviewed will be documented, these

persons include, but are not limited to: alleged harasser(s), victim(s), and witness(es).

- c) Based on the evidence, disciplinary action may be taken, ranging from reprimand to termination.
- d) Results of the investigation will be promptly communicated to the complainant(s) and the alleged harasser(s) even though the results may be inconclusive.
- e) All interviews will be documented and a confidential file will be created.
- f) Documentation of the outcome, regardless of the conclusion, will be kept in a confidential file.
- g) Final determination of action to be taken following an investigation rests exclusively with the District Attorney, as does the penalty to be given for the offense. If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the District Attorney may recommend appropriate preventive action.

3) Retaliation Prohibited

No hardship, loss, benefit or penalty may be imposed on an employee or any other individual in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation.

Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.