

| | |
|---|--|
| LaSalle Nursing Home 139 9 th Street Jena, | POLICY & PROCEDURE |
| SPONSOR: Administration | AREA: LaSalle Nursing Home |
| SUPERCEDES: | DESCRIPTION: Sexual Harassment Policy |
| APPROVED: December 18, 2009 | REFERENCE: |
| EFFECTIVE: January 1, 2010 | |
| REVISED: November 2022 | |

Sexual Harassment Policy

POLICY

LNH is committed to providing a safe environment for all employees free from discrimination on any ground and from harassment at work including sexual harassment. LNH has a zero tolerance policy for any form of sexual harassment. All incidents are treated seriously and promptly investigated. Employees found to have sexually harassed another will face disciplinary action, up to and including termination.

All complaints of sexual harassment will be documented, taken seriously, and treated with respect and confidence. No one will be victimized for making a sexual harassment complaint.

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature. Sexual harassment exists when the conduct is made explicitly or implicitly a term or condition of employment or if submission/rejection of this unwelcome conduct is used as a basis for employment decisions. Sexual harassment also exists if such conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can involve one or more incidents. The actions constituting harassment may be physical, verbal, and/or non-verbal.

Examples of conduct or behavior which constitute sexual harassment include, but are not limited to:

Physical Conduct:

- Unwelcome physical contact such as patting, pinching, or inappropriate touching,
- Physical violence, including sexual assault,
- The use of job-related threats/rewards to solicit sexual favors.

Verbal Conduct:

- Comments on an employee's appearance, age, private life, etc.,
- Sexual comments, stories, and jokes,
- Sexual advances,
- Repeated and unwanted social invitations,
- Insults based on the sex of the worker,
- Condescending or paternalistic remarks,
- Sending sexually explicit messages (by phone or by email).

Non-Verbal Conduct:

- Display of sexually explicit or suggestive material,
- Sexually-suggestive gestures,
- Whistling,
- Leering.

However, harassment does not have to be of a sexual nature and can include offensive remarks about an employee's sex. It is illegal to harass a male/female by making offensive comments about males/females in general. Both the victim and the harasser can be either a female or a male, and the victim and the harasser can be the same sex. The harasser can be the victim's supervisor, a supervisor in another department, a co-worker, or someone who is not an employee of LGH, such as a patient, vendor, contractor, or visitor.

Although sexual harassment law does not prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (discipline or termination).

All sexual harassment is prohibited whether it takes place on LNH premises or outside, including at social events, business trips, training sessions, or conferences.

PROCEDURES

Anyone who is subjected to sexual harassment should, if possible, inform the alleged harasser that the conduct is unwanted and unwelcome.

Reporting

An employee experiencing unwelcome behavior may choose to tell the offender to cease the behavior. Doing so may be sufficient to prevent recurrence. LGH does not require employees to do so, and certainly does not require that this be done before using the reporting procedure provided below. If the behavior continues, the concern should be reported promptly.

In order that complaints may be investigated timely and effectively, employees are strongly encouraged to report sexual harassment as soon as possible. LGH does not impose a deadline for reporting sexual harassment, but immediate reporting is ideal.

The initial report need only convey the occurrence of words or actions that are offensive and need not provide details. This report can be verbal in person or via telephone or by written letter, memo, email, text. LGH does not require that the employee use a specific form or adhere to a rigid reporting protocol.

The initial report may be made to the employee's Department Head/Supervisor. However, regardless of reason, if the employee prefers to not involve the immediate Department Head/Supervisor, the report may be made directly to the Chief Human Resources Officer. Department Head/Supervisors receiving a report of sexually inappropriate behavior are required to immediately inform the Chief Human Resources Officer of the information provided. Non-supervisory personnel receiving a report of sexually inappropriate behavior (such as from a co-worker) are strongly encouraged to report the behavior to any Department Head/Supervisor or to the Chief Human Resources Officer.

Anonymous complaints are discouraged; however, if an anonymous complaint is submitted, it should contain as much detail as possible including the names of the accused and all witnesses, the locations, dates, times, and description of all behaviors experienced, and any previous reports of similar behavior to management. Without this level of detail, the ability to conduct a thorough investigation may be impeded.

Investigation

All reports and complaints of sexually inappropriate behavior will be directed to the Chief Human Resources Officer who shall assess the information provided. The investigation will be conducted expeditiously, professionally, and with due regard for the rights of all involved. To the extent allowed by law, the investigation will be conducted in a confidential manner. To preserve the integrity of the investigative process, employees will be instructed that the complaint and all information provided during the interview are to remain confidential. Employees are prohibited from obstructing or interfering with the investigation, which includes questioning or confronting any employee participating in the investigation.

The Chief Human Resources Officer will conduct a preliminary assessment of the information provided to determine whether action should be taken to prevent further occurrence of the offensive behavior.

The investigation may begin with an interview of the complainant who will be required to provide details to facilitate the investigative process, such as the behavior complained of, the date, time, and location of the occurrence, the identity of witnesses, and any writings, records, logs, recordings, pictures, or other documentation supporting the complaint. Other employees possessing relevant information may also be interviewed.

All employees called upon to participate in the investigation are required to fully cooperate and provide truthful responses.

Upon completion of the investigation, the Chief Human Resources Officer will meet with the complainants and provide recommendations for resolution.

Complainants may be assured that any employee found, after investigation, to have engaged in sexual harassment or other inappropriate behavior of a sexual nature will be subject to disciplinary action. Disciplinary actions may range from counseling to termination. See Employee Handbook for Disciplinary Policy.

In addition to disciplinary actions, other appropriate measures, including additional training may also be utilized to protect against the recurrence of the inappropriate behavior.

Employees must understand that despite the best efforts and thoroughness of the investigative process, not all complaints can be substantiated. This does not indicate, however, that the complaint was contrived or made in bad faith.

Upon conclusion of the investigation, the complainant and accused will be apprised of whether the complaint was substantiated or unsubstantiated. If it is determined that the complainant made a claim of sexual harassment that was intentionally false, the complainant is subject to disciplinary action. Management's decision is final and concludes LGH's internal administrative investigative process. Regardless of the outcome, the complainant has the option of pursuing a claim under state or federal law. Initiation of such a claim is not dependent upon the outcome nor completion of LGH's administrative investigation.

To initiate a claim under federal or state law, employees are referred to the Equal Employment Opportunity Commission and the Louisiana Commission on Human Rights:

EEOC District Office
Hale Boggs Federal Building
500 Poydras Street, Suite 809
New Orleans, Louisiana 70130
800-669-4000 (Voice)
504-589-2958 (TDD)
504-595-2844 (Fax)
<https://www.eeoc.gov/>

LCHR
1001 N. 23rd Street, Suite 268
Post Office Box 94094
Baton Rouge, Louisiana 70804
225-342-6969 (Voice)
888-241-0859 (TDD)
225-342-2063 (Fax)
<http://gov/page/lchr>

LGH maintains an affirmative duty to protect Employees from harassment, reprisal, or retaliation. This protection extends to any employee making a good faith complaint of sexually inappropriate behavior, as well as those employees providing information or participating in the investigative process. If a complaint of retaliation is made and an investigation reveals that harassment, retaliation or reprisal has occurred, the offender shall receive disciplinary action ranging from counseling to termination. See Employee Handbook for Disciplinary Policy.

Training

To support this policy, LNH requires all employees to successfully complete training on this policy upon hiring and on a continuing basis thereafter. At a minimum, LNH mandates the following training for employees:

- Upon hire, all new employees will be provided a copy of this policy and instructed to carefully review it.
- All current employees are required to review this policy annually. Members of the Board of Commissioners will be provided the most recent inservice annually:
<https://www.civilservice.louisiana.gov/Divisions/Training/PreventingSexualHarassment.aspx>
- Within ninety (90) days of the hiring date, all new employees are required to complete the Comprehensive Public Training Program's (CPTP) most recent one (1) hour training on sexual harassment. Certification of successful completion will be documented through CPTP.
- All employees, on an annual basis thereafter, are required to complete the CPTP's most recent training on sexual harassment. Certification of successful completion will be documented through CPTP.
- Supervisors and any persons designated by LNH to accept or investigate a sexual harassment complaint are required to complete CPTP's additional education and training on sexual harassment for supervisors on an annual basis. Certification of successful completion will be documented through CPTP.

Monitoring and Evaluation

LNH recognizes the importance of monitoring this sexual harassment policy and will ensure that it anonymously collects statistics and data. LGH will compile an annual report by February first of each year containing information from the previous calendar year regarding compliance, including:

- The number and percentage of employees who have completed the training requirements;
- The number of sexual harassment complaints received;
- The number of complaints that resulted in a finding that sexual harassment occurred;
- The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action; and
- 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.

For the purposes of this policy, the term “employee” refers to employees as well as members of the Board of Commissioners.