



<b>Policy Title: Sexual Harassment, Harassment, and Retaliation</b>	<b>Date of Issue:</b> 1991	<b>Page Number:</b> 1
<b>Reviewed by:</b> <u>Cupples</u>	<b>Review Date:</b> Annually	<b>Revision Date:</b> 8/9/2022

## I. PURPOSE

To establish policies regarding sexual harassment, harassment and retaliation that are in compliance with state and federal laws and regulations.

## II. GENERAL

### 1. Sexual Harassment

a. Sexual harassment is a form of sex discrimination that is prohibited by federal law through the Civil Rights Act of 1964 and by state law La. R.S. 23:301 et. seq. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

b. Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

c. Examples of sexual misconduct include, but are not limited to, the following:

- Direct or indirect pressure for sexual activity;

- Sexual remarks pertaining to clothing, a person's physical anatomy, gender, or the use of sexually suggestive language;
- Pinching, grabbing or any other unwelcome physical contact;
- Distribution of sexually graphic material
- Display of pornographic or sexually offensive pictures

d. The person incurring the sexual harassment is encouraged to inform the harasser directly that the conduct is unwelcome and must stop.

e. The person incurring the sexual harassment should also report the offense to their supervisor immediately.

f. Preventive Measures

HMC strives to provide a work environment free from any form of harassment or retaliation and has a zero tolerance for such behavior. Employees are informed of this during new employee orientation and are also required to complete one hour of sexual harassment training each year. Employees are instructed on the reporting mechanism at these times.

g. Supervisor's Responsibility

- Any Supervisor made aware of a complaint of sexual harassment, harassment or retaliation by an employee should take immediate action to remove the employee from any immediate exposure to their alleged harasser and report the complaint to the Administrative staff for investigation, action and follow up. Administrative staff will investigate by gathering information, in as confidential a manner as possible, given the need to investigate the complaint, from all concerned parties. No employee will suffer retaliation for reporting such a complaint, regardless of the circumstances. Corrective and/or disciplinary action, up to and including termination, will be instituted by Administrative staff in collaboration with the Board of Directors, if warranted by the findings of the investigation.

## 2. HARASSMENT

a. Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), and the Americans with Disabilities Act of 1990, (ADA).

b. Harassment is unwelcome conduct that is based on race, color, sex, religion, national origin, disability, and/or age. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

c. In accordance with anti-discrimination laws, HMC prohibits harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

d. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

e. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

- The harasser can be the victim's supervisor, a supervisor in another area, an agent of the employer, a co-worker, or a non-employee.
- The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct.
- Unlawful harassment may occur without economic injury to, or discharge of, the victim.

f. Employees are encouraged to inform the harasser directly that the conduct is unwelcome and must stop.

g. Employees are highly encouraged to report harassment to his/her supervisor immediately. Reporting at an early stage may prevent its escalation.

#### h. Preventive Measures

- HMC strives to provide a work environment free from any form of harassment or retaliation and has a zero tolerance for such behavior. Employees are informed of this during new employee orientation and are instructed on the reporting mechanism at that time.

#### i. Supervisor's Responsibility

- Any Supervisor made aware of a complaint of sexual harassment, harassment or retaliation by an employee should take immediate action to remove the employee from any immediate exposure to their alleged harasser and report the complaint to the Administrative staff for investigation, action and follow up. No employee will suffer retaliation for reporting such a complaint, regardless of the circumstances. The administrative staff will promptly investigate the incident, the nature of the conduct, and the context in which the alleged incidents occurred. Corrective and/or disciplinary action will be instituted by Administrative staff in collaboration with the Board of Directors, if warranted by the findings of the investigation.

### **3. RETALIATION**

HMC will not fire, demote, harass or otherwise "retaliate" against an individual for filing a complaint of sexual harassment or harassment. The hospital will follow all laws and regulations governing the manner in which such allegations are to be handled.