

SEXUAL HARASSMENT IN THE WORKPLACE

I. POLICY STATEMENT

It is the policy of the Medical Center of Louisiana (MCL), in compliance with Louisiana State University Health Sciences Center Health Care Services Division (LSUHSC HCSD) policy, to ensure that every employee is able to work in an environment free from the intimidation of sexual harassment. LSUHSC HCSD and MCL are committed to maintaining an atmosphere free of all forms of discrimination, including sexual harassment.

II. LAWS GOVERNING POLICY ON SEXUAL HARASSMENT

Sexual harassment is a violation of federal and state laws. Title IX of the 1972 Education Amendment prohibits discrimination on the basis of gender. Title VII of the Civil Rights Act of 1964 (as amended in 1972) prohibits discrimination on the basis of race, color, religion, sex and national origin in all employment practices, including conditions of employment. Sexual harassment of employees constitutes unlawful sexual discrimination and is therefore a violation of Title VII. Under Title VII of the Civil Rights Act of 1964 (as amended in 1972), employees and individuals assigned supervisory duties have a legal responsibility to investigate claims of sexual harassment and to develop appropriate sanctions for such behavior. Furthermore, supervisors are responsible for acting upon information that comes to their attention, and have a responsibility to act on information they could reasonably have been expected to know. Lastly, sexual harassment is illegal according to the 1980 guidelines of the Equal Employment Opportunity Commission (EEOC).

III. DEFINITIONS

For the purpose of this policy, the following definitions shall apply:

- A.** Sexual harassment is any unwanted sexual attention. Examples of verbal and physical prohibited conduct include, but are not limited to:
- ❖ unnecessary touching, patting, hugging, brushing against a person's body, fondling, or grabbing
 - ❖ solicitation of sexual activity or other sexual behavior by promise of reward or threat of punishment
 - ❖ direct or subtle pressure for sexual activity
 - ❖ verbal conduct intended to cause discomfort or humiliation, or both, that includes one or more of the following:
 - ❖ comments of a sexual nature
 - ❖ sexually explicit statements, questions, jokes or anecdotes

- ❖ remarks of a sexual nature about a person's clothing or body
- ❖ remarks about sexual activity or speculation about previous sexual experience.
- ❖ nonverbal conduct of a sexual nature that causes discomfort or humiliation, or both, to any person.

B. The Equal Employment Opportunity Commission defines two types of sexual harassment, "quid pro quo" and hostile environment.

"Quid Pro Quo" sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature when:

- ❖ submission to such conduct is made explicitly or implicitly a term or condition of an individual's employment
- ❖ submission to or rejection of such conduct is used as a basis for evaluating employment decisions or performance.

Hostile Environment sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when such conduct has the purpose or effect of unreasonably interfering with an individual's work or performance, or of creating an intimidating, hostile or offensive environment.

The factors that determine whether an environment is hostile are:

- ❖ whether the conduct was verbal or physical or both
- ❖ how frequently it was repeated
- ❖ whether the conduct was hostile or patently offensive
- ❖ whether the alleged harasser was a co-worker, supervisor or non-MCL employee including, but not limited to, patients, visitors, contract workers, volunteers or vendors
- ❖ whether others joined in perpetrating in the harassment
- ❖ whether the harassment was directed at more than one individual.

IV. APPLICABLE POPULATION

This policy applies to:

- ❖ all Medical Center of Louisiana employees, physicians, students, contract workers and volunteers
- ❖ independent contractors, vendors and all other parties engaged in a business relationship with MCL, or its agents.

V. GENERAL GUIDELINES

- A. Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- ❖ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment (i.e. termination)
 - ❖ submission to or rejection of sexual harassment by an individual is used as the basis for employment decisions affecting such individual (i.e. promotion)
 - ❖ such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.
- B. Generally, an individual's attitude alone does not constitute sexual harassment. The perception of an individual who believes that sexual harassment has occurred or is occurring is a substantive factor. An individual's conduct, words, actions, or omission relating to gender may constitute sexual harassment if such actions are unwelcome, offensive, threatening, affect job performance or become conditions of employment, either expressed or implied.
- C. The difference between voluntary sexual relationships and sexual harassment is that harassment contains elements of coercion, threats and/or unwanted attention in a non-reciprocal relationship.
- D. Sexual harassment may be perpetrated by an employee or non-employee. Sexual harassment has no gender boundaries, no sexual orientation boundaries, and can occur between opposite or same sexes.
- E. The MCL Equal Employment Opportunity (EEO) Officer, the MCL Assistant Administrator of Human Resources, the MCL Chief Executive Officer (CEO), the Human Resources Administrator of LSUHSC HCSD or the Chief Operating Officer of the LSUHSC HCSD is charged with the responsibility of investigating sexual harassment complaints and recommending actions to address complaints.
- F. It is the responsibility of the Director of Education and Staffing to ensure that:
- ❖ a structured sexual harassment training inservice is included within the MCL General Orientation Program for all new hires and will also be included within the annual Environment of Care Cluster each employee is required to complete
 - ❖ all new hires receive the most up-to-date copy of MCL Policy 8010 – Sexual Harassment in the Workplace during the MCL General Orientation Program for

review

- ❖ all new hires sign an Acknowledgement of Receipt of MCL Policy 8010 – Sexual Harassment in the Workplace (See Exhibit I). This completed acknowledgement form will be maintained on file within the Department of Human Resources.

G. Administrative Council members, department directors, supervisors and managers will receive training during the Supervisor and Manager Training to properly address situations involving sexual harassment.

VI. HOW TO FILE A COMPLAINT

- A. Any employee who is aggrieved by conduct that violates this policy **must** report the incident(s) to at least one of the following:
- ❖ the MCL Equal Employment Opportunity (EOC) Officer who can be reached by calling 903-0382
 - ❖ the MCL Assistant Administrator of Human Resources who can be reached by calling 903-0283
 - ❖ the MCL Chief Executive Officer (CEO) who can be reached by calling 903-3332
 - ❖ the LSUHSC HCSD Human Resources Administrator who can be reached by calling (225) 922-0753
 - ❖ the LSUHSC HCSD Chief Operating Officer (COO) who can be reached by calling (225) 922-0488.
- B. The complaint **must** be in writing and must be filed within ten (10) days of the alleged incident.
- C. To facilitate reporting and investigation of incidents of sexual harassment and in compliance with all statutory requirements, a complaint form will be made available within the Department of Human Resources and as an exhibit of this policy (See Exhibit II).
- D. The Medical Center of Louisiana will hear and resolve all complaints through an internal complaint and investigation process, in a timely, fair, impartial and effective manner.
- E. Confidentiality of all parties will be respected to the greatest extent possible. The Medical Center of Louisiana prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in a complaint investigation.

- F. This policy shall not be used to intentionally bring frivolous or malicious charges against employees. Disciplinary action up to and including termination will be taken against any individual intentionally bringing a false charge of sexual harassment.

VII. CONSEQUENCES

- A. The Medical Center of Louisiana will take affirmative steps, including employee disciplinary actions up to and including termination, in order to maintain a workplace free of sexual harassment and intimidation.
- B. Administrative Council members, department directors, managers and supervisors are required to immediately address and investigate any reports of sexual harassment and ensure the harasser and harassed fully understand the ramifications of sexual harassment. LA R.S. 13:5108.1 and 13:5108.2 provide that a state employee will not be indemnified for intentional actions of wrongdoing. Administrative Council members, department directors, managers and supervisors shall report any incidences of sexual harassment to any of the following:
- ❖ the MCL Equal Employment Opportunity (EOC) Officer who can be reached by calling 903-0382
 - ❖ the MCL Assistant Administrator of Human Resources who can be reached by calling 903-0283
 - ❖ the MCL Chief Executive Officer (CEO) who can be reached by calling 903-3332
 - ❖ the LSUHSC HCSD Human Resources Administrator who can be reached by calling (225) 922-0753
 - ❖ the LSUHSC HCSD Chief Operating Officer (COO) who can be reached by calling (225) 922-0488.

VIII. INQUIRY

Employees having questions concerning sexual harassment or this policy should contact the MCL Assistant Administrator of Human Resources who can be reached by calling 903-0283 or the MCL EEO Officer who can be reached by calling 903-0382. Questions may also be directed by mail to the Louisiana State University Health Sciences Center Health Care Services Division at 8550 United Plaza Boulevard, Suite 400, Baton Rouge, LA 70809 or by telephone (225) 922-0753.

**Louisiana State University Health Sciences Center
Health Care Services Division
Medical Center of Louisiana**

Acknowledgment of Receipt of
MCL Policy 8010 – Sexual Harassment in the Workplace
Date of Latest Revision/Review: _____

Your signature below acknowledges that you have received training and have had an opportunity to ask questions regarding MCL Policy 8010 – Sexual Harassment in the Workplace. All new hires receive a copy of the most up-to-date version of MCL Policy 8010 – Sexual Harassment in the Workplace during the MCL General Orientation Program. All other employees have been told that a copy of this policy is available upon request.

Employee's Signature

Date

MEDICAL CENTER OF LOUISIANA
Sexual Harassment Complaint Form

Name: _____ Department: _____
Job Title: _____ Work Telephone #: _____
Home Telephone: _____ Date: _____

Please complete the form below. Space has been provided to answer the questions. Please attach additional sheets if the space provided is not large enough. Submit the completed form to the MCL EEO Officer, the MCL Assistant Administrator of Human Resources, the MCL CEO, the Human Resources Administrator of LSUHSC HCSD or the COO of LSUHSC HCSD.

Written Requirement: This form shall meet the requirement of reporting the sexual harassment incident(s) in writing.

Confidentiality: Steps will be taken to ensure the confidentiality to the greatest extent possible of all information provided on this form. Employees complaining of, or reporting sexual harassment will not be subjected to retaliation of any kind. LSUHSC HCSD and MCL prohibits any form of retaliation against any employee for filing a bona fide complaint under MCL Policy 8010 – Sexual Harassment in the Workplace or for assisting in a complaint investigation.

False Reporting: If after investigating any complaint of harassment, it has been determined that the employee has provided false information regarding the complaint, then disciplinary action will be taken against the individual who filed the false complaint or gave the false information.

1. Who committed the alleged harassment?

2. Is the person who allegedly harassed you in a supervisory position over you?

3. When did the incident occur and is it still ongoing?

4. How often did the incident occur?

5. What exactly occurred or was said?

6. How did it affect you? Has your job been affected in any way? If so, how?

7. How did you react?

8. What response did you make when the incident occurred or afterwards?

9. Are there any persons who have information about this matter? Was anyone present when the alleged harassment occurred? Did you tell anyone about it? Did anyone see you immediately after the episode(s) of alleged harassment?

10. Did the person who allegedly harassed you harass anyone else? Do you know whether anyone complained about harassment by that person?

11. Are there any notes, physical evidence or other documentation regarding the incident?

12. How would you like to see the situation resolved?

Signature of Complainant

Date

PLEASE REMEMBER TO SIGN AND DATE THIS FORM.