| TITLE: Prohibiting Sexual Harassment | POLICY / PROCEDURE<br>PAGE: 1 OF: 8 |
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| DEPARTMENT: Human Resources | EFFECTIVE: 10/1/2019 |
| APPROVED BY: HR Director | |

**Purpose:**

All HMH employees have a right to a work environment free of harassment and discrimination. For this reason, employees must refrain from offensive and inappropriate conduct, especially of a sexual nature, within the workplace. Managers and supervisors are responsible for disseminating and discussing this policy with subordinates and ensuring that the workplace is free of such behavior.

Through this policy and the mandatory associated training required for all employees, the HMH seeks to:

- Unequivocally state intolerance for sexually inappropriate behavior
- Identify the scope of such prohibited behavior
- Establish an effective, uniform reporting process
- Require prompt action to protect against recurrence of the prohibited behavior
- Ensure resolution that imposes appropriate corrective action
- Protect complainants and individuals involved in the investigative process from harassment, reprisal, or retaliation
- Respect confidentiality and the privacy rights of employees
- To provide direction and rules for governing the conduct of employees to ensure a workplace free of sexual harassment.

**Policy:**

Employees of HMH deserve to be treated with respect and dignity, and to work in a professional environment free of harassment and discrimination. HMH is committed to providing its employees a work environment free from inappropriate and offensive behavior of a sexual nature. To accomplish this, HMH has formulated this policy to define sexual harassment and conduct of a sexual nature that is prohibited in the workplace, and the procedure for effectively reporting such conduct. Employees should realize that the behavior proscribed by this policy includes words and conduct that are inappropriate, offensive or create a hostile working environment. As such, any behavior of a sexual nature or connotation which negatively impacts the workforce is prohibited even though such behavior may not constitute actionable sexual harassment as defined by law.

Prevention and elimination of sexually inappropriate behavior requires the personal involvement and commitment of every HMH employee. Unless and until management is apprised of its occurrence, corrective action to address such behavior cannot be taken. Through this policy and related training requirements, HMH seeks to reinforce its intolerance of sexually inappropriate behavior, and encourages employees who experience, observe, or are informed of such behavior to promptly initiate the reporting process set forth in this policy. Employees can be assured that HMH will objectively and thoroughly investigate reports; implement preventive

measures to protect against recurrence; impose corrective action to address violations; and protect complainants and individuals involved in the investigative process from any form of harassment, reprisal, or retaliation.

**Applicability:**
This policy applies to all HMH employees regardless of rank or status. This full-time, part-time, PRN seasonal and/or temporary employees. The tenets of this policy are equally applicable to appointing authorities, executive management, administrators, directors, managers, supervisors, staff members, student workers, and interns.

This policy also applies to non-employees, including visitors and individuals who transact business with HMH such as vendors, maintenance personnel, clients, contractors, and consultants. These non-employees are prohibited from engaging in the behaviors prohibited in this policy and are also protected from experiencing such behavior by HMH employees.

This policy applies not only to the customary workplace and work locations where HMH employees may be assigned, but also prohibits such behavior while travelling for work, while attending conference or off-site meetings, workshops, training, business trips, and business-related social events. In addition, this policy applies to off-duty, off-premises behaviors which has an impact on and a relation back to the workplace.

**Prohibited Conduct:**
Sexually inappropriate behavior proscribed by this policy can take many forms, including unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Such inappropriate behavior may be by a person of either gender against a person of the same or opposite gender. Such behavior may include conduct of a supervisor, manager or administrator towards a subordinate employee, or conduct by one employee towards another employee of equal or greater rank. It may also include words or conduct by a vendor, contractor, client or visitor to HMH. Finally, an employee may be the victim of inappropriate behavior even though not the target of such behavior.

Sexual harassment, a form of prohibited discrimination, is defined by the Equal Employment Opportunity Commission (EEOC) as unsolicited and unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature wherein:

A. Submission to such conduct is explicitly/implicitly a term or condition of employment; or
B. Submission to or rejection of such conduct is used as a basis for employment decisions (i.e. continued employment, evaluations, wages, advancements, assigned duties, shifts, training opportunities, or any other condition of employment or career development); or
C. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Inappropriate, unacceptable words or conduct which may constitute sexual harassment could be verbal, non-verbal, or physical. Examples include, but are not limited to, the following:

A. Unwelcomed sexual flirtations, advances or propositions;
B. Unwelcomed request for sexual favors;
C. Unwelcomed sexual teasing, jokes, remarks, insults, innuendo or inquiries;
D. Unwelcomed physical contact (i.e. touching, rubbing, leaning over, pinching, invading another's space by leaning over, purposefully cornering, or blocking passage);
E. Unwelcomed sexual looks or gestures;
F. Verbal, written or physical abuse of a sexual nature;
G. Graphic verbal or sexual comments about an individual or to describe an individual's appearance;
H. Degrading words and demeaning or inappropriate terms (i.e. referring to a person as Babe, Honey, etc.);
I. Sexually insulting noises;
J. Using crude and offensive language;
K. Discussing sexual activities, or exploits;
L. Inappropriate commenting on a person's attributes; and/or
M. Displaying sexually suggestive objects, statements, graffiti, books, magazines, photographs, cartoons or pictures.
N. Unwelcomed repeated requests for dates or social engagement

**NOTE:** Employees must be reminded that the verbal and physical behavior proscribed by this policy is always inappropriate in the workplace and hence, violates departmental policy, although such behavior may not be actionable in a court of law as a civil action for sexual harassment. HMH prohibits all sexually inappropriate behavior, regardless of severity, pervasiveness, or identifiable impact.

**Reporting Procedure:**

Early reporting of sexually inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. HMH does not require a fixed reporting time or deadline—the sooner the better is preferred and immediately reporting is ideal. The initial report need only convey the occurrence of words or actions that are offensive and need not provide detailed information. This report can be verbal (in person or via telephone) or in writing (letter, memo, email, text) and need not utilize a specific form.

Any employee experiencing, witnessing or having knowledge, directly or indirectly, of sexually inappropriate behavior by anyone or towards anyone associated with HMH or on department premises, including any leader, manager, supervisor, co-worker, vendor, client or visitor, should immediately report the occurrence. Any such complaint may be made verbally or in writing. Under most circumstances, complaints should be made by the employee to his/her supervisor. If the complaint involves the employee's supervisor or someone within the

direct line of supervision, or if the employee, for any reason, is uncomfortable reporting such behavior to a supervisor, he/she may report the incident to another supervisor, manager or leader or directly contact the Human Resources Director at 301 Walnut Street, Amite, Louisiana 70422 or (985) 748-9485.

**Investigation of Complaint:**

A. All reports of sexually inappropriate behavior will ultimately be reported to the Human Resources Director who generally will direct the investigative process. Management personnel in a need to know capacity will be apprised of the complaint.
B. HMH will investigate **all** complaints. "Informal" complaints or requests to withhold investigation (unless or until a future occurrence) will be treated the same as a formal complaint and investigated immediately.
C. To prevent further occurrences or to preserve the integrity of the investigation, temporary forced leave may be permissible.
D. The investigation will be thorough and include interviews with the complainant, the accused, witnesses and other individuals possessing relevant information. Records, logs, reports, photos, or other documentation pertinent to the complaint will be reviewed.
E. The investigative process will be memorialized, thus requiring that all involved prepare written statements or provide verbal statements that will be recorded.
F. Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees do not have the option of remaining silent or declining to be involved.
G. Persons called upon to participate in the investigation are required to answer all questions truthfully and cooperatively. Employees do not have the option of remaining silent or declining to be involved.
H. The investigative process will be conducted expeditiously and professionally, with appropriate emphasis on the rights of all involved.
I. To the extent allowed by law, the investigative process will be conducted in a confidential manner, with only those in a need-to-know position involved. Employees who are called on to participate will be instructed that the complaint and all information provided during the investigation are to remain confidential.
J. Upon completion of the investigation, the Human Resources Director will apprise management of the outcome and recommendations for resolution. The complaining employee and accused will be apprised of the outcome of the investigation, with appropriate emphasis on the rights of all involved.

**Complaint Resolution:**

A. Any employee found, after appropriate investigation, to have engaged in sexually inappropriate behavior will be disciplined in accordance with HMH's Behavioral Improvement/Corrective Action Guidelines.

B. In addition to corrective action, other appropriate measures, including follow-up inquiries and re-training, will be utilized to ensure that the inappropriate behavior does not recur.
C. 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 the HMH's administrative investigation.

**Non-Retaliation:**

A. Any employee making a good faith complaint of sexually inappropriate behavior will be protected from retaliation, reprisal and harassment. Likewise, any employee providing information or otherwise participating in the investigation of such a complaint will be protected from retaliation, reprisal and harassment.
B. If a complaint is made and the investigation reveals that retaliation, reprisal or harassment has occurred against a complaining employee or anyone participating in the investigative process appropriate, severe disciplinary action will be taken, including the possibility of termination.

**Training**

HMH recognizes that implementation of a policy prohibiting sexually inappropriate behavior in the workplace alone is insufficient to prevent and address such behavior. To support this policy and encourage a culture where employees willingly report concerns, HMH requires all employees to successfully complete training on this topic upon hire and on a continuing basis thereafter. At a minimum, HMH requires the following training for its employees:

- Upon hire, all new employees must complete the Hospital onboarding process which contains a copy of this policy and covers the contents of the policy in detail.
- Upon hire, all employees must complete the required training course on sexual harassment. Certification of successful completion will be documented in orientation.
- On an annual basis, all employees are required to complete the most recent Relias training course on sexual harassment. Certification of successful completion will be documented through Relias.

**Federal and State Laws:**

This policy establishes a procedure to administratively report and address complaints of sexually inappropriate behavior. This policy is intended to supplement rather than replace or supersede the private and/or statutory procedures regarding sexually inappropriate workplace behavior available to employees under state and federal law, including Title VII of the Civil Rights Act and La. R.S. 23:331 et seq. Employees should be aware that there are certain procedures and time delays, including the filing of a complaint with the Equal Employment Opportunity Commission (EEOC) or the Louisiana Commission on Human Rights (LCHR), which must be satisfied prior to initiating civil litigation regarding inappropriate workplace sexual behavior.

For more information or to initiate a claim under federal or state law, employees are referred to the EEOC and the LCHR:

EEOC
800-669-4000 (voice)
504-589-2958 (TDD)
504-595-2844 (fax)
https://www.eeoc.gov

LCHR
225-342-6969 (voice)
888-241-0859 (TDD)
225-342-2063 (fax)
http://gov/page/lchr

**Violations:**
Any employee, regardless of rank or status, found to have violated the prohibitions of this policy will be subject to disciplinary action, up to and including termination. After investigation and satisfaction of due process requirements, corrective action may be imposed for the following:

- Failure to comply with mandatory training requirements
- Failure by a supervisor or manager to timely report a complaint of sexually inappropriate behavior
- Failure to participate in or cooperate with the investigate process
- Providing false information or withholding information during questioning
- Filing a false, malicious, or frivolous complaint
- Harassment, reprisal, or retaliation towards a complainant or anyone involved in the investigative process

Any employee, regardless of rank or status, who intentionally fails to properly and timely report sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination.

Any employee found to have intentionally or maliciously falsely accused another of sexually inappropriate workplace behavior will be subject to disciplinary action, up to and including termination. This prohibition is not intended to discourage employees from filing good faith complaints of behavior proscribed by this policy.

**Questions/Comments:**
This policy shall remain available to employees for review at all times on the HMH Shared Folder. Notices related to workplace harassment and discrimination are conspicuously posted.

Questions or comments concerning sexual harassment, sexually inappropriate behavior or the interpretation or enforcement of this policy should be addressed to the Human Resources Director. To the extent possible, such inquiries will be maintained in strict confidence. Employees are reminded that complaints will be appropriately

investigated notwithstanding the employee's request that no action be taken or that the investigative process be delayed.

**PHOHIBITING SEXUAL HARASSMENT**
**ACKNOWLEDGE BY EMPLOYEE**

My signature hereon acknowledges that:

1. I have received a copy of Hood Memorial Hospital's Policy on Prohibiting Sexual Harassment;

2. I have read and understand the Policy and agree to abide by the terms and provision contained within;

3. I understand that compliance with this Policy is a condition of employment; and

4. I understand that disciplinary action, including the possibility of termination, will be imposed on those who violate the terms and provisions of this Policy.

_____ _____

Employee Signature Date

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Employee Name (Print)