

Sexual Harassment Policy

Louisiana Radiologic Technology Board of Examiners

PURPOSE

To state the Louisiana Radiologic Technology Board of Examiners policy and responsibility regarding sexual harassment as related to its employees who believe they have been harassed by another employee, Board member, or third party Board vendor.

POLICY

The Louisiana Radiologic Technology Board of Examiners (Board) reaffirms and emphasizes its commitment to provide a workplace free from sexual harassment and to provide a means to remedy sexual harassment that employees may have experienced.

Sexual harassment violates the Equal Employment Opportunity Commission Guidelines, Section 703 of Title VII of the Civil Rights Act of 1964 as amended, the Louisiana Employment Discrimination Law, and La.R.S. 42:341-345.

The intent of this policy is to express the Board's commitment and responsibility to protect its employees from sexual harassment and from retaliation for participating in a sexual harassment complaint. It is not intended to infringe upon constitutionally guaranteed rights. In considering allegations of sexual harassment, the Board must be concerned with the rights of both the complainant and the accused. Complaints of sexual harassment can be reported to the:

- Executive Director
- Board Chairman
- Louisiana State Civil Service, Human Resources

All proven cases of sexual harassment shall result in appropriate disciplinary or other corrective action. The severity of the disciplinary action shall be consistent with the seriousness of the act of sexual harassment. Additionally, under appropriate circumstances, the Board may take action to protect its employees from sexual harassment by individuals who are not employees of the Board.

DEFINITIONS

Sexual harassment

Is a form of unlawful sexual discrimination and is defined as speech and/or conduct of a sexually discriminatory nature, which was neither welcomed nor encouraged, which would be so offensive to a reasonable person as to create an abusive working or learning environment and/or impair his/her performance on the job. Sexual harassment may involve a situation where unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are made either explicitly or implicitly a term or condition of an individual's employment and submission to, or rejection of, such conduct by an individual results in a tangible and adverse employment action. Examples of such potential relationships include supervisors and subordinates, employers and job applicants, and other relationships in which one person has the potential to reward or penalize another in regard to his or her employment role.

Sexual harassment is also defined as unwelcome verbal or physical conduct of a sexual nature or gender-based conduct in which the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment. Examples include unwelcome touching; persistent, unwanted sexual/romantic attention or display of sexually oriented materials; deliberate, repeated gender-based humiliation or intimidation, and similar sexually oriented behavior of an intimidating or demeaning nature.

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Employees

As used herein are defined as all persons having any employment relationship with the Board.

Board Members

Anyone of eleven members appointed by the Governor.

Third Party Board Vendor

An individual that is not a Board employee or Board member but has business involvement with the Board.

PROCEDURES

A. Reporting

Any employee of the Board who believes that he or she has been subjected to sexual harassment has a right and an obligation to report it to either the Executive Director, Board Chairman, or the Louisiana State Civil Service, Human Resource Department. No employee is required to report or make a complaint of sexual harassment to the person who is engaging in the problematic conduct.

Early reporting of sexual inappropriate behavior enhances the credibility of the complainant and facilitates the investigative process. Employees are encouraged to report such behaviors as soon as possible. The initial report need only convey the occurrence of words or actions that are offensive. This report can be verbal, or in writing, and need not utilize a specific form. Anonymous complaints are discouraged. If an anonymous complaint is reported, it should contain as much detail as possible. Without specific detail the ability to conduct a thorough investigation may be impeded.

B. Complaint Options

Because sexual harassment may involve a wide range of sexually oriented behaviors and is, in part, a function of the way in which such behaviors are perceived, the way in which a given incident is appropriately treated depends on its effect upon the recipient as well as upon the specific behavior itself. For example, simply informing the initiator through verbal or written communication that the behavior is unwelcome and should cease may be sufficient to end it. On the other hand, the situation may be such or the behavior may be so extreme that the recipient is unwilling or unable to deal with it in this way. To help the recipient determine how best to remedy sexual harassment, as well as to insure that appropriate measures are taken when warranted, anyone who believes himself or herself to have been subjected to sexual harassment may make use of both informal and formal resolution procedures.

Informal Procedure

Under the informal procedure, a complaint may be reported to the Executive Director and/or Board Chairman. Use of the informal procedure is optional and a person can chose to bypass, discontinue, or initiate a formal complaint at any time during the informal process. The Executive Director and Board Chairman will jointly determine how best to handle the complaint. The information to a complaint will be treated as confidential as possible with only those with a need to know being informed of the complaint.

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Formal Procedure

Under the formal procedure, the complainant should file the complaint with the Executive Director and/or Board Chairman, and/or the Louisiana State Civil Service, Human Resources. A formal investigation of the complaint will be conducted to determine if sufficient evidence exists to conclude that a violation of the Board's sexual harassment policy has occurred.

Both procedures will operate under the general principles of fairness and confidentiality and must attempt to ensure that a charge of sexual harassment is carefully reviewed to determine whether the conditions in the preceding definition have been met and to further provide that the rights of both the complainant and the accused are protected. No Board disciplinary action for sexual harassment shall be imposed on a Board employee except in accordance with the provisions of this policy statement. Additionally, the individuals involved in the complaint will be notified about its resolution.

RETALIATION

Employees, witnesses, and/or other participants involved in a sexual harassment complaint or investigation are protected from retaliation of any form. Any employee violating the prohibition against retaliation may be subject to disciplinary action up to and including termination.

Board Adopted April 10, 2019