



Louisiana Board of Massage Therapy

2645 O'Neal Lane, Bldg. C. Ste. E., Baton Rouge, Louisiana 70816

Phone 225-756-3488 | Fax 225-756-3493

www.labmt.org

SEXUAL HARASSMENT POLICY

Effective Date: 8/30/2020

1. **AUTHORITY:** The Executive Director of the Louisiana Board of Massage Therapy; Equal Employment Opportunity Commission, Section 703 of Title VII of the Civil Rights Act of 1964 as amended, Louisiana Employment Discrimination Law; and La R.S. 42:341-345.
2. **PURPOSE:** To establish the Louisiana Board of Massage Therapy ("Board") policy on the prohibition against sexual harassment, define sexual harassment, outline employee expectations, and provide procedures for filing complaints.
3. **APPLICABILITY:** This policy shall apply to all employees of the Louisiana Board of Massage Therapy, including part-time employees and Board of Massage Therapy Members, or non-employees or entities who have a business relationship with the Board.
4. **POLICY:** The Louisiana Board of Massage Therapy is committed to providing a workplace that is free from sexual harassment. Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as business trips, business or board meetings, and business-related social events. Any form of sexual harassment by any Board employee is strictly prohibited.
5. **DEFINITIONS:**
 - A. **Sexual harassment** - may include a range of subtle to not-so-subtle behaviors and may involve individuals of the same or different gender. The harasser can be a supervisor, co-worker, other state employees, or a non-employee who has a business relationship with the Board. Sexual harassment exists when there are 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;
 - Submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting any individual;
 - Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment; or
 - The behavior persists despite objection by the person to whom the conduct is directed.

Inappropriate unwelcomed actions may meet the definition of sexual harassment or contribute to a hostile work

environment and may include, but are not limited to, the following examples:

- Sexual pranks, or repeated sexual teasing, jokes, or innuendo;
- Lewd comments about body features;
- Touching or grabbing of a sexual nature;
- Discussing sexual activity in front of others;
- Repeatedly cornering, leaning in, or standing too close to or brushing up against a person;
- Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated that they are not interested (supervisors in particular should be careful not to pressure employees to socialize);
- Giving gifts or leaving objects that are sexually suggestive;
- Repeatedly making sexually suggestive gestures;
- Making or posting sexually demeaning or offensive pictures, cartoons or other materials in the workplace;
- Pressure for unnecessary personal interaction;
- Off-duty, unwelcome conduct of a sexual nature that affects the work environment.

NOTE: Sexual statements can be made in person, in writing, or electronically, such as email instant messaging, text messaging, blogs, web pages, social media, etc.

Sexual harassment does not require specific intent to offend. Inappropriate conduct meant as a joke, prank, or even a compliment can lead or contribute to harassment.

6. PROVISIONS:

- A. 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.

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
St., Suite 809
New Orleans, LA 70130
800-669-4000 (voice)
504-589-2958 (TDD)
504-595-2844 (Fax)
www.eeoc.gov

LCHR
100 IN. 23rd St., Suite 268 Post Office Box
94094 Baton Rouge, LA 70804
225-342-6969 (voice)
888-241-0859 (TDD)
225-342-2063 (Fax)
<http://gov.louisiana.gov/page/lchr>

- B. The Executive Director will serve as the Board's Equal Employment Opportunity (EEO) Officer with specific responsibilities assigned to the Human Resources Director or other designated staff members.

7. RESPONSIBILITIES:

A. AGENCY:

- When an allegation of sexual harassment has been received, or there is reason to believe sexual harassment is occurring, immediate and appropriate steps will be taken to ensure that the matter is promptly investigated and addressed. The Board is committed to take appropriate action, even if the individual does not wish to file a formal complaint.

- The Sexual Harassment Policy will be posted on the Board's website and intranet. Employees will be informed if changes are made to the policy.

B. SUPERVISORS:

- Supervisors shall ensure that employees are aware that sexual harassment is strictly prohibited in this department.
- Supervisors who observe incidents of sexual harassment **MUST** take immediate corrective action without waiting for a victim complaint.
- Supervisors who receive a complaint of sexual harassment **MUST** immediately report the complaint to the Executive Director.
- Failure to report incidents will be considered a violation of this policy and may result in disciplinary action.

C. EMPLOYEES:

- Any employee who knows or reasonably believes that sexual harassment is occurring or has occurred whether to the employee directly or to someone else, is obligated to inform the Executive Director.
- Employees are responsible for cooperating fully with any investigation of a complaint of sexual harassment. Information related to complaints and investigations will remain confidential to the fullest extent possible. Employees cooperating in an investigation shall maintain the confidentiality of the investigation to protect the reputations of all involved.
- Confidentiality is expected, but total confidentiality may not be guaranteed when investigating a sexual harassment complaint. Management may be required to inform those on a need-to-know basis of the details surrounding the complaint. Although confidentiality is expected, the witnesses and others questioned may not maintain total confidentiality. This should not deter filing complaints of sexual harassment. Confidentiality violations will be handled on a case-by-case basis.

Charges of sexual harassment are serious charges, and employees should report incidents when they occur. However, due to the seriousness of these charges and the potential damage that could be done to those who are charged, employees shall refrain from making casual, misleading or false charges of such behavior. False and/or malicious complaints of sexual harassment may be subject to disciplinary action, up to and including termination.

8. PROCEDURES:

- a) If you feel that you have been subjected to sexual harassment or witnessed sexual harassment, you should do the following:
 - Continue to report to work;
 - Inform the person who has offended you that their actions are inappropriate and should be stopped, if you feel secure in doing so;
 - Document the occurrence(s) with very specific facts, including names, dates, times, places, witnesses, etc.; and

- Report the action to the Executive Director immediately.
- b) If the harasser is your supervisor, skip the chain of command and report the complaint to the Civil Service Human Resources Director immediately.
- c) If you have had a sexual harassment complaint reported to you, inform the Executive Director immediately.
- d) Upon receiving a complaint, the Executive Director will determine the appropriate investigative procedures and will notify the employee that the complaint has been received.
- e) All actions taken in the investigative process shall be documented and kept in the investigative file.
- f) To guarantee a fair and complete investigation, the cooperation of the alleged harasser and the alleged victim is required.
- g) Once the investigation has concluded, the Executive Director will decide on a course of action. Discipline will be appropriate to the circumstances and may include but is not limited to: a formal write up, additional training, and up to termination.
- h) After the complaint has been resolved, the Executive Director will periodically follow up with the employee(s) who filed the complaint to ensure that there is no continued or new sexual harassment occurring.
- i) If the harassment continues after the initial complaint has been resolved, employees shall contact the Executive Director immediately.

9. MANDATORY TRAINING

- a) All employees, including part-time and members of the Board are required to complete an approved course in “Preventing Sexual Harassment” by December 31st each year.
- b) Anyone who supervises employees or any employee who may receive or investigate a sexual harassment complaint is required to receive additional education and training each year by December 31st. The additional education and training may be received either in person or through an online course approved by the Executive Director.
- c) The Executive Director, either directly or through a designee, shall maintain records of compliance for each employee of the agency.
- d) Failure to complete the mandatory training requirements may result in disciplinary action, up to and including termination.

10. REPORTING

Beginning in 2021, an annual report will be compiled by February 1st of each year and submitted to the Division of Administration on or before February 15th of each year containing information from the previous

calendar year regarding compliance with the requirements of this policy. The report shall include:

- The number and percentage of employees who have completed the mandatory training requirements;
- The number of sexual harassment complaints received;
- The number of complaints which 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 accordance with the Public Records Law.

11. RETALIATION:

State Civil Service and the Louisiana Board of Massage Therapy requires reporting of all incidents of sexual harassment. No employee who makes a good faith complaint under this policy, or who participates in an investigation of a charge made under this policy or any other proceeding involving a complaint of sexual harassment, shall be adversely affected because of their complaint or participation. Acts of retaliation shall be reported immediately and will be promptly investigated and addressed.

12. EXCEPTIONS:

The Louisiana Board of Massage Therapy may grant an exception to any provision of this policy, provided such exception shall not be in conflict with the State of Louisiana Civil Service Rules and Regulations, agency state, and/or federal Law.