

RPH & Clinics

Harassment and Abuse

POLICY: HARASSMENT

It is the policy of Hospital Service District No. 1-A, Parish of Richland, State of Louisiana (the “Hospital”) to provide all employees with a work environment free of any form of discrimination, including harassment or retaliation. Both federal and state laws prohibit discrimination on the basis of race, color, religion, sex, age, national origin, pregnancy, disability, or genetic information. Under the law, it is illegal for an employee to engage in unwelcome sexual advances, requests for sexual favors, verbal or physical conduct of a sexual nature, or any other verbal conduct toward another employee that might be construed as an inappropriate slur. RPH & Clinics will not allow any form of conduct that has the purpose or effect of interfering with an individual’s work performance or creating an intimidating, hostile, or offensive work environment. Such behavior, regardless of whether it is committed by a supervisor, co-worker, or subordinate will be considered employee misconduct and will be subject to employee disciplinary action, up to and including discharge. If an employee experiences or observes any harassment or believes that he/she has been treated in an unlawful, discriminatory manner, he/she should promptly report the incident as set forth in this policy. The complaint will be promptly investigated and will be kept confidential to the maximum extent possible. RPH & Clinics will not tolerate any kind of retaliation, direct or indirect, against any employee or other person who, in good faith, complains about or witnesses prohibited harassment. The RPH & Clinics specifically prohibits any and all forms of harassment, including sexual harassment. Sexual harassment is prohibited under state and federal law, under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; the Louisiana Employment Discrimination Law, La. R.S. 23:302 *et seq.*, and La. R.S. 42:341 *et seq.* Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal, physical, or inappropriate conduct of a sexual nature that 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.

Purpose: To protect the facilities employees from harassment.

Examples of Sexual Harassment

Sexual harassment may take different forms. Examples of conduct that may constitute sexual harassment are:

- (1) **Verbal:** Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats. Requests for any type of sexual favor (this includes repeated, unwelcome requests for dates). Verbal abuse or "kidding" which is oriented towards a prohibited form of harassment, including that which is sex-oriented and considered unwelcome.
- (2) **Non-verbal:** The distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive, or shows hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, email, that is sexual in nature.
- (3) **Physical:** Unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling; forced sexual intercourse or assault.

Procedures:

All employees are required to attend at least one hour of approved education and training on preventing sexual harassment each calendar year, which shall include a review of this Sexual Harassment Policy. Employees will be required to document their attendance, either by signing an attestation or passing a test.

The Administrator and all supervisors, in addition to the one hour of education and training required for all employees, must complete and document one hour of approved additional training each year.

RPH & Clinics takes all complaints of sexual harassment seriously and will investigate all claims immediately.

Any employee who feels they have been sexually harassed should immediately complete the Formal Grievance Procedure Form. Any grievances shall be reported to the Administrator within (5) five working days from the date of the action, wherever possible.

Once a sexual harassment grievance has been filed, the Administrator will enlist the help of other appropriate persons to assist with an investigation.

All sexual harassment grievances will begin with an informal investigation, informally to determine validity.

If the informal investigation indicates there may be validity to the charges, the Administrator then must proceed with a formal investigation. During this process the appropriate individuals, the Administrator or his/her designee, will interview both the party making the claim, the alleged

harasser, and any possible witnesses.

During this investigation process, RPH & Clinics will attempt to protect from unnecessary disclosure the details of the incident being investigated and the identities of this complaining party and the alleged harasser.

At any point during the investigation process the COO/Administrator may determine that the accuser and the alleged harasser should be separated (if they work in the same department or facility) to eliminate the risk of further harassment or retaliation.

The written findings of fact will be presented to the RPH & Clinics Governing Board for deliberation and final determination within (10) ten working days from the date of the complaint. The Governing Board may refer the matter to the Executive Committee for a determination.

If the Governing Board (or the Executive Committee) determines that the claim of sexual harassment is valid, the offending party will be reprimanded, suspended without pay, or terminated depending on the severity of the offense.

If the Governing Board (or the Executive Committee) determines that the claim of sexual harassment is not valid and that the evidence is clear and convincing that a false claim was brought intentionally and in bad faith, the party levying the charge may be reprimanded, suspended without pay, or terminated. The Hospital will never retaliate against any employee or other person for a good-faith report of sexual harassment.

The Administrator shall document any action taken on the basis of a complaint, including discipline for employees who have engaged in harassment or discipline for employees who have submitted intentionally false complaints.

If the investigation concludes that an employee committed or may have committed a crime, the matter may be referred for criminal investigation/prosecution.

If the investigation concludes that abuse occurred, as defined in the RPH & Clinics abuse policy, RPH & Clinics will notify local law enforcement and/or the Louisiana Department of Health, as appropriate, and any adult or child protective services agency as required by law.

Regardless of the outcome of the investigation, an employee has a right to pursue a claim for harassment under state and/or federal law, including under Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*; the Louisiana Employment Discrimination Law, La. R.S. 23:302 *et seq.*, and La. R.S. 42:341 *et seq.*

Retaliation

RPH & Clinics will not tolerate any kind of retaliation, direct or indirect, against any employee or other person who, in good faith, complains about or witnesses prohibited harassment.

Employees are prohibited from retaliating against other employees for filing a complaint of harassment or participating in an investigation or other proceeding involving a complaint of harassment, including sexual harassment.

Any employees who feel they have been retaliated against in violation of this policy should submit a complaint in accordance with the procedure above.

Compliance

The Payroll/Personnel department shall maintain records of employees' mandatory annual sexual harassment training using the LMS Carelearning platform. Records will also be maintained for, complaints submitted under this policy, and action taken on the basis of complaints submitted under this policy.

By February 1 of each year, the Administrator shall prepare an annual report regarding compliance with La. R.S. 42:341 *et seq.* The report shall include the following information:

- a. The number and percentage of Hospital employees who have completed the training required under this policy and under Louisiana law.
- b. The number of sexual harassment complaints received by the Hospital.
- c. The number of complaints that resulted in a finding that sexual harassment occurred.
- d. The number of complaints in which the finding of sexual harassment resulted in discipline or corrective action.
- e. The amount of time it took to resolve each complaint.

This policy shall be prominently posted on the Hospital's website.

This policy shall be reviewed at least every three years by RPH & Clinics risk management department and/or by legal counsel.

POLICY: ABUSE

RPH & Clinics absolutely prohibits any form of abusive conduct against anyone, including fellow employees and patients. Patients must not be subjected to abuse by anyone, including but not limited to, hospital or clinic staff, other patients, consultants or volunteers, staff or other agencies serving the individual, family members or legal guardians, friends, or other individuals. Hospital will not tolerate verbal, mental, sexual or physical abuse, corporal punishment or involuntary seclusion of any patient or misappropriation of any patient's property. The patient has the right to be free from verbal, sexual physical and mental abuse, corporal punishment, involuntary seclusion, and neglect. These requirements specify the right of each patient to be free from abuse and duty of the hospital's representatives to prevent not only abuse, but also those practices and omissions that if left unchecked, lead to abuse.

Purpose: To protect the facilities employees and patients from abuse.

Definitions

“Abuse” is defined as the willful infliction of injury, reasonable confinement, intimidation, or punishment with resulting physical harm or pain or mental anguish, or deprivation by an individual, including a caretaker of goods or services that are necessary to attain or maintain physical, mental and psychosocial well-being, including verbal abuse, sexual abuse, physical abuse, mental abuse, involuntary seclusion, neglect, and misappropriation of patient property, as defined in this policy. Abuse also includes all forms of elder abuse, as defined below. This presumes that instances of abuse of all residents even those in a coma cause physical harm, or pain or mental anguish.

“Verbal abuse” is defined as any use of oral, written or gestured language that willfully includes disparaging and derogatory terms to residents or their families, or within their hearing distances, regardless of their age, ability to comprehend, or disability. Examples of verbal abuse include, but are not limited to threats of harm and saying things to frighten a patient such as telling a patient that she will never see her family again.

“Sexual abuse” includes but not limited to sexual harassment, sexual coercion, or sexual assault, including any form of sexual contact with a person incapable of consent.

“Physical abuse” includes hitting, slapping, pinching, and kicking. It also includes controlling behavior through corporal punishment.

“Mental abuse” includes but not limited to, humiliation, harassment, threats of punishment or deprivation.

“Involuntary seclusion” is defined as separation of a patient from other patients of from his or her

room or confinement to his or her room (with or without roommates) against the patient's will or the will of resident's legal representative. Emergency or short term monitored separation from other patients will not be considered involuntary seclusion and may be permitted if used for a limited period of time as a therapeutic intervention to reduce agitation until professional staff can develop a plan of care to meet the patient's needs.

"Neglect" is defined as the failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness. Neglect occurs on an individual basis when a patient has a lack of care in one or more areas (e.g., absence of frequent monitoring of a patient known to be incontinent, resulting in being left to lie in urine or feces).

"Misappropriation of patient property" is defined as the patterned or deliberate misplacement, exploitation, or wrongful, temporary or permanent use of a patient's belongings or money without the patient's consent.

Elder Abuse

Louisiana R.S. 14:403.2 addresses abuse for adults (18 years or older or a minor emancipated either by marriage or by judgment of emancipation). The purpose of the bill is to protect adults who cannot physically or mentally protect themselves and who are harmed or threatened with harm thorough action or inaction by themselves or by the individuals responsible for their care or by other parties, by requiring mandatory reporting of suspected cases or abuse or neglect by any person having reasonable cause to believe that such a case exists.

Abuse includes the infliction of physical or mental injury on an adult, including but not limited to such means a sexual abuse, exploitation or funds or other things of value to such an extent that his health, morals, or emotional well-being is endangered.

Self-induced abuse is self-inflicted physical injury, including but not limited to self-mutilation.

Neglect is the failure, by a person responsible for an adult's care, to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being. No adult who is being provided treatment in accordance with a recognized religious method of healing in lieu of medical treatment shall for that reason alone be considered to be neglected or abused.

Self-induced neglect due to functional incompetence is the inability of a person to independently provide for his own basic physical needs, such as essential food, clothing and shelter, in freedom; or the inability to protect himself from serious harm due to his disregard or inability to discern the dangers and hazards found in everyday life.

The law has charged the Department of Health and Human Resources with the responsibility for administering or providing a program of protective services for adults.

Under the law, any person who knowingly and willfully fails to report adult abuse shall be fined or imprisoned. Any person other than the person alleged to be responsible for the abuse or neglect,

reporting in good faith shall have immunity from any civil liability that otherwise might be incurred or imposed because of such report. Such immunity shall extend to participation in any judicial proceeding resulting from such report. An oral report shall be made immediately by telephone to the Office of Health and Human Resources followed with a written confirmation within five workdays of the verbal referral.

Effective July 1, 1996, mandatory reports of abuse, neglect or exploitation of the elderly required by LA R.S. 14: 403.2 should be made to the EPS office at the Council of Aging. The toll-free number, 1-800-690-8656, will remain the same. The local number is 318-322-0773. Reports can also be made by calling the State Office at 1-800-259-4990.

If criminal abuse is suspected also notify the nearest Law Enforcement Agency.

LOCAL:

Delhi Police Department 24 hours a day: 318-878-3788

PROTECTIVE SERVICES:

Monday—Friday 8:00 A.M.—4:30 P.M.: 318-728-3253

AFTER HOURS AND WEEKENDS CALL:

Ouachita Parish Sheriff's Office 24 hours

For all Northeast Louisiana: 1-800-690-8656

The Adult Protective Services Form, available from the Director of Nursing, includes information that the Office of Health and Human Resources needs to start their investigation.

If the Social Services Director is available at the time of reporting, he/she shall complete the assessment and obtain pertinent information to complete the State Agency Form. If he/she is not available, the form shall be completed by the R.N. A copy shall then be sent to the Department of Social Services.

Procedures

The Hospital will not employ individuals who have been:

- Found guilty of abusing, neglecting, or mistreating patients by a court of law; or
- Have had a finding entered into the State nurse aide registry or licensing authorities concerning abuse, neglect, mistreatment of patients or misappropriation of their property.

The Hospital will report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the State nurse aide registry or licensing authorities.

Employees, volunteers, or other individuals working in the Hospital or Clinics under the RPH & Clinics authority may not engage in one-to-one contact with children under the age of eighteen (18). A parent, guardian, or other appropriate chaperone must be present for any encounters with a child under the age of eighteen (18).

RPH & Clinics will offer chaperones for all patients.

Any employee, volunteer, or other individual working at the Hospital or Clinics is required to report any instance or suspected instance of abuse or of violation of this policy immediately to the Administrator or the Director of Nursing.

RPH & Clinics will never retaliate in any way against any good-faith reporter of abuse or suspected abuse. Employees are prohibited from retaliating against any person for a good-faith report of abuse or suspected abuse.

All alleged violations will be thoroughly investigated, and RPH & Clinics will take action to prevent further potential abuse while the investigation is in progress.

The results of all investigations shall be reported to the Administrator and to other officials in accordance with State law (including to the State survey and certification agency) within 5 working days of the incident, and if the alleged violation is verified, appropriate corrective action will be taken.

RPH & Clinics will report all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source and misappropriation of resident or patient property immediately to the Administrator and to other officials in accordance with State law through established procedures, including those set forth in the guidelines of the Louisiana Department of Health, Health Standards Section or the specific guidelines for reporting elder abuse. As required by law, RPH & Clinics will notify local law enforcement and/or the Louisiana Department of Health, as appropriate, and any adult or child protective services agency as required by law.

The Administrator will cooperate fully with law enforcement agencies in investigating any allegations of abuse.

The Administrator will report any allegations of abuse to RPH & Clinics insurance agent or broker.

Training Requirements

All direct patient care employees are required to complete the Abuse training using the LMS Carelearning platform. The Payroll/Personnel department shall maintain records of employees training.

Review

This policy shall be reviewed at least every three years by RPH & Clinics risk management department and/or by legal counsel.