

POLICY/PROCEDURE

SUBJECT: **Prohibition and Prevention of Harassment, Sexual Harassment, and Discrimination or Intimidation**

CONTENT: Provides for prohibiting and preventing any and all harassment, sexual harassment, and discrimination or intimidation applying to all Board employees and members of the Louisiana Board of Drug and Device Distributors.

EFFECTIVE DATE: July 1, 2017; amended March 9, 2021

INQUIRIES TO: Louisiana Board of Drug and Device Distributors
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PROHIBITION AND PREVENTION OF HARASSMENT, SEXUAL HARASSMENT, AND DISCRIMINATION LOUISIANA BOARD OF DRUG AND DEVICE DISTRIBUTORS

The Louisiana Board of Drug and Device Distributors (Board) takes affirmative steps to maintain a secure workplace free from harassment, sexual harassment, and discrimination or intimidation for all its employees and Board members.

Engagement by any Board employee or Board member in any form of harassment, sexual harassment, unlawful discrimination or intimidation is strictly prohibited and will subject that employee or board member to appropriate disciplinary action, up to and including termination.

Immediate and appropriate action will be taken when a complaint of any harassment, sexual harassment, or discrimination/intimidation involving any member of the Board or Board staff is received.

TERMS:

1. **Harassment** is the deliberate and/or repeated conduct relating to a person's sex, race, color, religion, national origin, age, disability, genetic information, or political affiliation which unreasonably interferes with the person's work performance or creates an intimidating work environment; including, but not limited to, unwelcome physical gestures and comments communicated verbally or by mail/carrier, telephone, mobile devices, or computer.
2. **Sexual Harassment** exists when there is unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature

when submission to such conduct is made either explicitly or implicitly as a term or condition of a person's employment, or submission to or rejection of such conduct by a person is used as the basis for any employment decision affecting the person, or such conduct has the purpose or effect of substantially interfering with a person's work performance or creates an intimidating, hostile, or offensive work environment.

3. **Discrimination** is conduct which indicates any favoritism, preference, prejudice, limitation, specification, or differentiation based on a person's sex, race, color, religion, national origin, age, disability, genetic information, or political affiliation which is impermissible under federal or state law.

PROCESS:

1. Anyone who is experiencing or who knows of or who reasonably believes that harassment, sexual harassment, or discrimination/intimidation is occurring or has occurred has an obligation to inform his/her supervisor - such as the Executive Director or Assistant Executive Director, Executive Assistant, or the Board Chairman or Vice-Chairman.
 - a. Supervisors who observe incidents of harassment, sexual harassment, or discrimination/intimidation **MUST** take immediate corrective action and immediately report the incident to the proper staff director/Board officer without waiting for the victim to file a complaint.
2. Board employees and Board members, including the complainant and alleged harasser/discriminator are responsible for cooperating fully with any review and investigation of a complaint of harassment, sexual harassment, or discrimination/intimidation.
 - a. Information related to the complaint review and investigation will remain confidential. Employees and members cooperating in a review shall maintain the confidentiality of the review and investigation to protect the reputations of all involved.
3. No Board employee or Board member who files a complaint or who participate or testifies in the review or investigation of charges made of harassment, sexual harassment, or discrimination/intimidation will be adversely affected or retaliated against because of his/her participation.
4. Charges of harassment, sexual harassment, and discrimination or intimidation are serious and pose potential damage to those who are accused; therefore, employees shall refrain from making casual, misleading, or false charges of such behavior. Possible disciplinary action may be taken against a complainant if it is determined that the claim of harassment, sexual harassment, or discrimination/intimidation was intentionally false.

Supervisors shall ensure that all employees are aware of the prohibition of harassment, sexual harassment, and discrimination/intimidation.

Board employees or Board members who feel they have been subjected to harassment, sexual harassment or discrimination/intimidation should continue to report to work, inform the offender that their actions are/were inappropriate (if the offended party feels secure enough to do so), document in writing the occurrence(s) with specific facts including names, dates, times, places, witnesses, etc., and report the action to the supervisor, officer, or director immediately.

If the harassment/intimidation continues after following the above outline, the person has a right to file a formal complaint or charges or to pursue a claim under other state or federal law on harassment, sexual harassment, and discrimination/intimidation, regardless of the outcome of the Board's review and investigation.

PREVENTION:

1. Per Louisiana law regarding sexual harassment, each Board employee and Board member is required to receive a minimum of one hour of education and training on recognizing and preventing harassment, sexual harassment, and discrimination or intimidation.
 - a. Supervisors and all individuals designated to review and investigate complaints of harassment, sexual harassment, or discrimination/intimidation may be required to received additional education and training.
2. All Board employees and Board members shall be notified of the Board's approved policy/procedures and required education/training on preventing harassment, sexual harassment, and discrimination/intimidation.
3. Records of education/training on preventing harassment, sexual harassment, and discrimination/intimidation shall be maintained in the Board's administrative office.
4. The Board's policy/procedures on harassment, sexual harassment, and discrimination/intimidation shall be prominently posted in a conspicuous location in the Board's administrative office for viewing.

Approved and adopted by the members of the Louisiana Board of Drug and Device Distributors on the 20th day of June, 2017; amended, approved and adopted on the 9th day of March, 2021.