

Prohibiting Power-based Violence and Sexual- and Gender-based Harassment and Discrimination, and Sexual Misconduct

The Health Care Services Division (HCSD) is committed to creating an environment that promotes inclusion, integrity, civility, and mutual respect in an environment free of discrimination on the basis of sex and sexual misconduct which includes sexual assault, sexual harassment, sexual exploitation, domestic violence, dating violence, stalking and retaliation.

Power-based violence, sex- and gender-based harassment and discrimination, and sexual misconduct violates an individual's fundamental rights and personal dignity and will not be tolerated. HCSD prohibits and is committed to an environment free of discrimination on the basis of sex, gender, and sexual misconduct. Violence may cause lasting physical and psychological harm and can permanently impact our employees' lives.

LSU-HCSD believes that violent, threatening or harassing behavior violates our organizational values and presents a barrier to fulfilling the Health Care Services Division's mission of patient care, teaching and analytics geared to improving healthcare outcomes for the citizens of this State.

All LSU-HCSD employees have a reasonable expectation to a safe and secure working environment free of threats and assaults. Employees also have a responsibility to help ensure the safety and security of the LSU-HCSD workplace. Everyone has a responsibility to prevent and report acts of prohibited conduct. Any employee who is required to report instances of power-based trauma and fails to promptly make the report without good cause or with the intent to harm or deceive, or knowingly makes a report that is false, shall be terminated. HCSD is responsible for fostering a welcome environment conducive to working and learning.

Anyone subjected to Power-based violence, sex- and gender-based harassment and discrimination, and sexual misconduct is encouraged to file a complaint with the HCSD Title IX Coordinator. Any individual who has experienced Power-based violence, sex- and gender-based harassment and discrimination, and sexual misconduct is also urged to utilize supportive measures/resources available whether or not the person who caused the harm is an HCSD employee or affiliate. Supportive measures/resources are available whether or not a Formal Complaint is filed. *(Supportive measures/resources can be found on the website as well as within the HCSD #4566 Prohibiting Power-based Violence including Sexual Misconduct, and Sexual- and Gender-based Harassment and Discrimination.)*

LSU-HCSD is committed to maintaining a workplace free from violence including sexual assaults, threats of violence including verbal and non-verbal threatening behavior, and harassment. Such behavior is unacceptable and is not permitted on the grounds of LSU-HCSD. *(Refer to HCSD Policy #4566- Prohibiting Power-based Violence including Sexual Misconduct, and Sexual- and Gender-based Harassment and Discrimination.)*

Act 472 of the 2021 Regular Session of the Louisiana Legislature: Defined "Power Based Violence" as any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person but is more expansive than sexual misconduct and Title IX misconduct. It includes, but not limited to, dating violence, domestic violence, sexual assault, sexual harassment, and stalking. Act 472, by law, requires termination of employees who fail to report or falsely report "power based violence" incidents in accordance with policy.

Power-based violence, sex- and gender-based harassment and discrimination, and sexual misconduct includes, but not limited to:

1. Coercion-The use of express or implied threats, intimidation, or physical force placing an individual in fear of immediate harm or physical injury or causes a person to engage in unwelcome sexual activity. Coercion may include administering a drug, intoxicant, or other substance with intent to incapacitate prior to engaging in sexual activity.
2. Dating Violence - Violence, when on the basis of sex or gender, committed by person who is or has been in a social relationship of a romantic or intimate with the Complainant. The existence of such a relationship shall be determined on the Complainant's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between persons involved in the relationship. For the purposes of this definition, Dating Violence includes, but is not limited to, sexual or physical abuse or threat of abuse. Dating Violence does not include acts covered under the definition of Violence.
3. Domestic Violence - A felony or misdemeanor crime of violence, when on the basis of sex or gender, committed by a current or former spouse or intimate partner of the Complainant; a person with whom the Complainant shares a child in common; a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner; a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Louisiana; or by any other person against an adult or youth who is protected from that person's acts under the domestic abuse or family violence laws of Louisiana.
*To categorize an incident as Domestic Violence, the relationship between the parties must be more than people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.
4. Intimidation - Implied threats or acts that cause an unreasonable fear of harm in another.
5. Sexual Assault: Sexual assault is any type of sexual contact or behavior that occurs without the explicit consent of the recipient. Falling under the definition of sexual assault are sexual activities such as forced sexual intercourse, forcible sodomy, child molestation, incest, fondling, attempted rape, and sexual battery as defined in La.R.S. 14:43.1
6. Sexual Exploitation - An individual taking non-consensual or abusive sexual advantage of another for their own benefit or for the benefit of anyone other than the person being exploited, and that conduct does not otherwise constitute sexual harassment under this policy. Examples of sexual exploitation include, but are not limited to, non-consensual observation of individuals who are undressed or engaging in sexual acts, non-consensual audio- or videotaping of sexual activity, prostituting another person, human trafficking, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual's knowledge.
7. Sexual Harassment – Conduct on the basis of sex that satisfies one or more the following:
 - a. Quid Pro Quo Sexual Harassment – An employee conditioning the provision of aid, benefit or service on the Complainant's participation in unwelcome sexual conduct; or
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to employment or activity.

8. Sexual Misconduct - A sexual act or contact of a sexual nature that occurs, regardless of personal relationship, without the consent of the other person(s), or that occurs when the person(s) is unable to give consent or whose consent is coerced or obtained in a fraudulent manner. Examples include but are not limited to threatening or causing physical harm; extreme verbal, emotional, or psychological abuse; or other conduct which threatens or endangers the health or safety of any person. For the purpose of this Policy, Sexual Misconduct includes, but is not limited to, sexual abuse, violence of a sexual nature, Sexual Harassment, Sexual Assault, Sexual Exploitation, as well as Dating Violence, Domestic Violence and Stalking when on the basis of sex or gender, as well as crimes of a sexual nature as defined in Title 14 of the Louisiana Revised Statutes or at La. R.S. 44:51.

9. Sexual Orientation Discrimination - Behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in the educational programs, activities, and services because of a person's actual or perceived sexual orientation.

10. Stalking - Is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include, but not be limited to, the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

Reporting Options:

Health Care Services Administration and Lallie Kemp Medical Center
Title IX Coordinator
Kathy Townsend, HR Administrator
225-354-4843
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5429 Airline Hwy
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Health Care Services Division and Lallie Kemp Medical Center
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