

STATE OF ALASKA DEPARTMENT OF HEALTH & SOCIAL SERVICES  <u>DIVISION OF JUVENILE JUSTICE</u> DIVISION-WIDE POLICY & PROCEDURES	SECTION: Personnel and Volunteers	NUMBER: C-6	PAGE: 1 of 7
	TITLE: <p style="text-align: center;">PROHIBITION OF SEXUAL HARASSMENT</p>		
ATTACHMENTS/FORMS: C-6.A State of Alaska Nepotism Waiver	APPROVED: <i>Tracy A. Dompeling</i>	DATE: 11/16/21	
	REVISED: N/A	NEXT REVISION DUE: 11/16/24	
AUTHORITY: Administrative Order 81, AAM 100.050, AS 18.80.220-225, AS 39.28, AS 39.52.110-140, Title VII of the Civil Rights Act of 1964, 29 CFR § 1604.11			

POLICY:

It is the policy of the Division of Juvenile Justice (DJJ or Division) that all employees conduct themselves in a manner that fosters a professional, respectful, and inclusive work environment. Employees are expected to demonstrate behaviors that reflect positively on the Division and the State of Alaska. DJJ is committed to providing a workplace free from sexual harassment.

DJJ will promptly respond and investigate allegations of sexual harassment incidents involving employees, contractors and/or volunteers. When an allegation of sexual harassment is credible, the Division will take prompt and appropriate corrective action. The objectionable behavior does not have to rise to the level of illegal sexual harassment to warrant disciplinary or corrective action.

The Division shall provide training to assist in the prevention of sexual harassment.

DEFINITION:

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

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2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

PURPOSE:

This policy provides DJJ facility staff, volunteers, and contractors examples of prohibited conduct, as well as reporting and investigation requirements for line staff, supervisors, managers, and human resources personnel in order to maintain a professional, respectful, and safe environment in DJJ offices, facilities, and other work-related settings.

PROCEDURE:

I. Sexual Harassment. Objectionable sexually harassing behavior can be verbal, non-verbal, physical, or of a visual nature:

- A. Examples of sexually harassing behavior may include, but are not limited to, items such as those listed below:
 1. Verbal comments of a sexual nature;
 2. Offensive remarks about a person's sex or gender, gender identify, sexual preference, include demeaning stereotypes;
 3. Demands or requests for sexual favors;
 4. Unwelcome sexual advances or propositions;
 5. Jokes or "humor" with sexual overtones;
 6. Graphic or verbal commentaries about an individual's body or sexual prowess (or lack thereof);
 7. Implied or overt threats with explicit or implicit sexual overtones;
 8. Pinching, massaging, grabbing, groping, or other inappropriate or touching;
 9. Any unnecessary touching, standing too close, or brushing against another's body;
 10. Suggestive, insulting, obscene, or demeaning comments or gestures of a sexual nature;
 11. Display in the workplace of sexually suggestive objects, wording, or images;
 12. Pranks, teasing, jokes, or innuendo of a sexual nature in person, email, radio, telephone, or any other device;

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13. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated they are not interested. Supervisors should be particularly mindful not to pressure their employees to socialize);
14. Giving gifts or leaving objects that are sexually suggestive;
15. Making sexually suggestive gestures;
16. Creating, distributing, or posting sexually demeaning or offensive pictures, cartoons, or other materials in the workplace;
17. Off-duty, unwelcome conduct of a sexual nature that affects the work environment;
18. Leering or whistling in a manner that suggest sexual interest.

- B. A victim or perpetrator of sexual harassment can be any gender, and the victim and perpetrator can be the same or different gender. Sexual harassment may occur from supervisor to subordinate; subordinate to supervisor; co-worker to co-worker; or between employees and non-employees, including applicants for employment.
- C. Sexually harassing behavior is expressly prohibited in the workplace itself and in other work-related settings such as business trips, court appearances, division-sponsored social events, etc.
- D. All employees are responsible for monitoring their own behavior to ensure that they do not engage in behavior that is or may be reasonably perceived to be sexual harassment.
- E. All employees responsible for directing or supervising the work of others have an affirmative obligation to monitor the behavior of subordinates to ensure that they do not engage in behaviors that are or may be reasonably perceived to be sexual harassment, to promptly report violations of this policy and procedure, and to take appropriate action to eliminate sexually harassing behavior from the work environment. Managers and supervisors who knowingly permit harassment activity to occur without further action will be subject to disciplinary action.
- F. Consenting romantic or sexual relationships between employees or between a supervisor and a subordinate may lead to unforeseen consequences.
 1. Each employee should be aware of the possible risks of a consensual romantic or sexual relationship.
 2. Employees who enter into a welcome dating, romantic, or sexual relationship with another DJJ employee where there is a difference in rank or authority between the

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- persons involved should realize that, if a complaint of sexual harassment is subsequently made, it may be difficult to substantiate assertions of mutual consent.
3. Romantic or sexual behavior in the workplace is prohibited.
 4. DJJ may alter the responsibilities or assignments of co-workers engaged in a consenting personal relationship to diminish the professional contact they may have with each other when the romantic or sexual relationship could reasonably be expected to interfere with the performance of duties.
 5. Dating, romantic, or sexual relationships between supervisors and subordinates within the direct supervisory chain-of-command of the supervisor are prohibited. If such a relationship exists or develops, staff involved shall report it to the office or facility manager to discuss the arrangements (e.g., shift or supervisory reassignments) required to comply with this rule.
 6. Employees who have a familial relationship with another employee of DHSS must complete a State of Alaska Nepotism Waiver (Attachment A) and adhere to Nepotism Statute, Executive Ethics Act, and State of Alaska Personnel Rules.

II. Reporting allegations of sexual harassment

- A. DJJ strongly encourages employees who believe they are being harassed to clearly and promptly notify their supervisor orally and/or in writing. Employees who are aware of potential sexual harassment occurring between other employees are also strongly encouraged to report this behavior.
- B. If for any reason an individual does not wish to inform their supervisor directly, or if such communication does not successfully end the objectionable behavior, the individual is directed to report the concern to a higher-level supervisor or to Human Resources (HR) at employeerelations@alaska.gov or <http://doa.alaska.gov/dop/contact/#er>.
- C. A DJJ supervisor who receives a report of sexual harassment shall immediately forward the report to HR. In cases where the report is made orally, the supervisor shall document the report in writing and immediately forward the report to HR.
- D. DJJ does not impose a timeframe or deadline for reporting allegations of sexual harassment; however, failure to make a prompt report may make it difficult to investigate or confirm the allegations.

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- E. Employees may also file internal complaints of sexual harassment with the State’s Equal Employment Opportunity Program in the Department of Administration under AS 39.28.060(a). See <http://doa.alaska.gov/dop/eeo/> and http://doa.alaska.gov/dop/fileadmin/Equal_Employment/pdf/EEO_Complaint_Form.pdf

III. Investigations of sexual harassment allegations

- A. The division is committed to ensuring the safety of the reporting party.
- B. Allegations of sexual harassment brought to the attention of the DJJ will be promptly investigated. (Note: AS 39.28.060(b) requires that the Department notify the Division of Personnel’s Equal Employment Opportunity Program office when the Department receives a complaint).
- C. Confidentiality will be maintained throughout the investigatory process, to the extent practical and appropriate under the circumstances.
- D. During the investigation, the involved parties will be temporarily reassigned or transferred. This may include physical removal/reassignment and/or chain-of-command reporting structure modifications.
- E. On completion of the investigation, the investigator will communicate the findings to the Director.
- F. Interfering with, obstructing, or refusing to cooperate in an investigation is prohibited. Employees who do so may be subject to disciplinary action up to and including dismissal.

IV. Disposition of a complaint

- A. The role of HR staff is to conduct a fair and thorough investigation.
- B. Complaint confirmed: If HR concludes that the allegations have been substantiated, in whole or part, and discipline or corrective action is warranted, the appropriate parties shall be notified of the determination.

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- C. Complaint unconfirmed: If HR concludes that the allegations have not been substantiated and that a policy violation did not occur, the appropriate parties shall be notified of the determination.
- D. Frivolous Complaint: If the investigation results in a finding that the complainant wrongly accused another employee of sexual harassment intentionally or frivolously, the complainant may be subject to disciplinary action, up to and including dismissal.
- E. Inconclusive Investigations: If HR is unable to make a determination, the matter shall be referred to the State Personnel Director in the Department of Administration, and/or the Attorney General as necessary, and they shall determine the appropriate action to be taken.
- F. Prohibition Against Retaliation: Retaliation against an individual for reporting or participating in an investigation of allegations of sexual harassment is expressly prohibited. Any person found to have engaged in retaliation may be subject to disciplinary action, up to and including dismissal. Retaliation may take several forms, however, any adverse employment treatment that an individual receives as a direct consequence of reporting sexual harassment may be considered retaliation.

V. Training and Quality Assurance:

- A. Staff, contractors, and volunteers shall participate in Anti Sexual Harassment Training per the DJJ Training Plan and shall acknowledge their understanding of this policy by signing the policy in the space provided. The signed policy will be retained in a staff's personnel file or in a volunteer or contractor's regional administrative file.
- B. As part of new employee onboarding, all new staff must read and acknowledge they understand this policy within five days of hire. Existing staff, contractors and volunteers shall sign annually or when this policy is revised and signed by the Director.

IMPLEMENTATION

This policy is effective when it is signed by the Director. Managers have 15 working days to apply this policy.

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ACKNOWLEDGEMENT:

I acknowledge that I have read, understand, and will comply with this policy.

Signature: _____ **Printed Name:** _____

Job Title/Unit: _____ **Date:** _____