

	<b>JUSTICE AND PUBLIC SAFETY CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES</b>	<b>REFERENCES: 3-JCRF-1C-04 1-JDTP-1C-08 1-JBC-1C-07 3-JTS-1C-07-1 3-JDF-1C-05-1 4-JCF-3A-02; 6D-06 2-CO-1C-11 JPAS 2-7032-1</b>
<b>CHAPTER: Administration</b>		<b>AUTHORITY: KRS 15A.065</b>
<b>SUBJECT: Sexual Harassment and Anti-Harassment</b>		
<b>POLICY NUMBER: DJJ 103.2</b>		
<b>TOTAL PAGES: 3</b>		
<b>EFFECTIVE DATE: March 11, 2019</b>		<b>EFFECTIVE DATE</b>
<b>APPROVAL: Raymond F. DeBolt</b>		<b>, COMMISSIONER</b>

**I. POLICY**

Harassment of any form shall not be tolerated by the Department of Juvenile Justice (DJJ). DJJ shall prohibit threatening, offensive, or unwelcome conduct at work and when staff is representing DJJ.

**II. APPLICABILITY**

This policy shall be applicable to DJJ staff, volunteers, interns, consultants, and contract personnel doing business with DJJ.

**III. DEFINITIONS**

Refer to Chapter 100.

**IV. PROCEDURES**

- A. Upon employment, DJJ staff shall be assigned the new staff training modules regarding sexual harassment. This training shall be completed within the first thirty (30) days of employment and advises staff to avoid offensive or inappropriate conduct or sexually harassing behavior at work. It shall be the responsibility of the Administrative Manager to ensure training has been completed within the stated timeframe.
- B. The facility or community office shall provide contract personnel, interns, consultants, and volunteers with harassment training and a copy of any applicable policies, these actions shall be documented. This training shall be completed within the first thirty (30) days of assuming duties. It shall be the responsibility of the Administrative Manager to ensure the training has been completed within the stated timeframe.
- C. Questions about offensive or inappropriate behavior shall be referred to the designated Equal Employment Opportunities (EEO) Counselor or the Department EEO Coordinator.

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- D. Complaints of sexual harassment shall be investigated in a prompt, careful manner. Staff shall comply with the Justice and Public Safety Cabinet's EEO policy, including use of the Cabinet's EEO Complaint Form. Appropriate action shall be taken to ensure that any harassment shall not recur.
- E. In addition to the conduct prohibited by 29 C.F.R. § 1604.11 other prohibited behavior shall include:
1. Lewd or sexual comments;
  2. Sexual innuendo, including embarrassing comments or terminology;
  3. Vulgar or indecent gestures, language, or jokes;
  4. Bringing or displaying a sexually suggestive object, book, magazine, photograph, cartoon, calendar, or picture in the workplace;
  5. Use of the computer to transmit, solicit, display, or download an obscene message or material; or
  6. Threatening, demeaning, or offensive conduct directed toward an individual.
- F. The following steps shall be taken by all persons believed to have been subjected to harassment or other prohibited behavior:
1. The person shall make it clear to the harasser that the behavior is considered threatening, offensive, or unwelcome. This notification shall be done using one of the following methods:
    - a. Verbally notify the harasser of the offensive behavior. This shall be done in front of another employee, if possible;
    - b. Provide written notice to the harasser of the offensive behavior; or
    - c. Contact the EEO Counselor within the organizational unit, or the Department EEO Coordinator. The EEO Counselor or Department EEO Coordinator will then contact the alleged harasser and provide notification of the offensive behavior.
    - d. Staff are encouraged to complete the Justice and Public Safety Cabinet's EEO Complaint Form to report any EEO violation.
  2. If after the notification the behavior continues, the person shall report the continued conduct to the EEO Counselor, Department EEO Coordinator, or Branch Manager of Personnel. EEO Counselor, Department EEO Coordinator, and Branch Manager of Personnel shall follow the Justice and Public Safety Cabinet's EEO policy.
  3. The required notification shall not prohibit a person from reporting the alleged offensive behavior to their supervisor. Supervisors shall follow the Justice and Public Safety Cabinet's EEO policy.
  4. Upon report of the offensive behavior, the person may be asked to complete the Justice and Public Safety Cabinet's EEO Complaint Form.
  5. If a person other than the EEO Counselor or Department EEO Coordinator receives a complaint of harassment, they shall immediately contact the EEO Counselor or the Department EEO Coordinator.

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6. Any supervisor receiving a complaint of harassment shall report the complaint to the EEO Coordinator. Failure to do so shall be grounds for disciplinary action.
- G. Upon receipt of a complaint or report of alleged harassment or other prohibited behavior, the EEO Counselor shall ask the complainant to complete the EEO Complaint Form. If the complainant does not provide an EEO Complaint Form, the EEO Counselor shall complete and forward the EEO Complaint Form to the Department EEO Coordinator by close of the next business day.
- H. Investigation of a complaint shall be pursuant to the Justice and Public Safety Cabinet's EEO Policy:
  1. The Department EEO Coordinator, Branch Manager of Personnel, the Office of Legal Counsel, and the appropriate Deputy Commissioner shall meet to determine whether to separate the complainant and the alleged harasser.
  2. The complainant, the alleged harasser, and any witness may be interviewed during the course of the investigation. The alleged harasser and any witness may be asked to submit a written statement.
- I. Final Action
  1. Appropriate action, which may include disciplinary action up to and including dismissal, shall be taken based upon the findings of the investigation.
  2. The victim of harassment shall be referred to appropriate resources, if necessary, to receive help in dealing with the effects of the harassment.
- J. The privacy of the complainant, accused harasser, and witnesses shall be protected to the fullest extent permitted by the circumstances. An individual interviewed in the course of resolving the complaint shall be directed by the interviewer to treat the information as confidential. Breach of this confidentiality may be grounds for disciplinary action.
- K. Retaliation by or against any party involved in a complaint shall be prohibited and may be grounds for disciplinary action.
- L. If a false complaint is filed or if any person provided false information during the course of the investigation, this may be grounds for disciplinary action.
- M. All persons who disrupts the workplace by spreading rumors about others or encourages hostility by making false or malicious statements concerning another person may be subject to disciplinary action.

**V. MONITORING MECHANISM**

Monitoring shall be the responsibility of the Deputy Commissioners, the Branch Manager of Personnel, and the Department EEO Coordinator. Supervisors shall monitor that harassment training has occurred for all persons.