

	State of Alaska Department of Corrections Policies and Procedures		Index #: 201.09	Page 1 of 5	
			Effective: 6-15-2015		
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Chapter:	Personnel				
Subject:	Prohibition of Sexual Harassment				

I. Authority

In accordance with 22 AAC 05.155 the Department will maintain a manual comprised of policies and procedures established by the Commissioner to interpret and implement relevant sections of the Alaska Statutes and 22 AAC.

II. References

Alaska Statutes

AS 18.80.220, AS 18.80.255, AS 39.28, AS 39.52.110-140

Alaska Administrative Code

22 AAC 05.155, 13 AAC 85.230

Administrative Orders

AO No. 75, AO No. 81.

III. Purpose

To provide 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 DOC offices, facilities, and other work-related settings.

IV. Application

All employees of the Department of Corrections (DOC), persons assigned to other Departments working with DOC staff, as well as any person working in a DOC facility or office.

V. Definitions

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct 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.

VI. Policy

The DOC is committed to providing a workplace that is free from sexual harassment. Sexual harassment will not be tolerated. When the Department determines that an allegation of sexual harassment is credible, it will take prompt and appropriate corrective action. The objectionable behavior does not have to rise to the level of *illegal* sexual

harassment in order for the Department to find disciplinary or corrective action warranted.

VII. Procedures

- A. Objectionable sexually harassing behavior can be verbal, non-verbal, physical, or of a visual nature:
1. Examples of sexually harassing behavior include, but are not limited to, items such as those listed below:
 - a. Verbal abuse of a sexual nature;
 - b. Offensive remarks about a person's sex or gender to include demeaning stereotypes;
 - c. Demands or requests for sexual favors;
 - d. Unwelcome sexual advances or propositions;
 - e. Jokes or "humor" with sexual overtones;
 - f. Graphic or verbal commentaries about an individual's body or sexual prowess (or lack thereof);
 - g. Implied or overt threats with explicit or implicit sexual overtones;
 - h. Pinching, massaging, grabbing, groping, or other inappropriate touching;
 - i. Unnecessary touching, standing too close, or brushing against another's body;
 - j. Suggestive, insulting, obscene, or demeaning comments or gestures of a sexual nature;
 - k. Display in the workplace of sexually suggestive objects, wording, or pictures;
 - l. Pranks, teasing, jokes, or innuendo of a sexual nature in person, email, radio, telephone, or any other device;
 - m. Repeatedly asking a person to socialize during off-duty hours when the person has said no or has indicated he or she is not interested (supervisors in particular should be careful not to pressure their employees to socialize);
 - n. Giving gifts or leaving objects that are sexually suggestive;
 - o. Making sexually suggestive gestures;
 - p. Making or posting sexually demeaning or offensive pictures, cartoons, or other materials in the workplace;
 - q. Off-duty, unwelcome conduct of a sexual nature that affects the work environment or violates the Code of Ethical Professional Conduct;
 - r. Leering or whistling.
 2. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Sexual harassment may occur from supervisor to subordinate; subordinate to supervisor; co-worker to co-worker; or between employees and non-employees to include applicants for employment.

3. Sexually harassing behavior is expressly prohibited in the workplace itself and in other work-related settings such as business trips, court appearances, Department sponsored social events, etc.
 4. All employees are responsible for monitoring their own behavior to ensure that they do not engage in behavior that is or may be perceived to be sexual harassment.
 5. All employees responsible for directing or supervising the work of others have an affirmative obligation to monitor the behavior of their subordinates to ensure that they do not engage in behaviors that are or may be 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. Failure to meet this obligation may result in disciplinary action up to and including dismissal.
 6. Consenting romantic or sexual relationships between employees or between a supervisor (including lead workers and foremen) and a subordinate may lead to unforeseen consequences.
 - a. Each employee should be aware of the possible risks of a consensual romantic or sexual relationship.
 - b. Employees who enter into a welcome dating, romantic, or sexual relationship with another DOC employee where there is a difference in rank or authority between the persons involved should realize that, if a complaint of sexual harassment is subsequently made, it may be difficult to defend against such charges on grounds of mutual consent. No dating-type behavior is to occur in the workplace.
 - c. The DOC 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.
 - d. Dating, romantic, or sexual relationships between supervisors (including lead workers and foremen) and subordinates within the direct supervisory chain-of-command of the supervisor are prohibited under Policy and Procedure 202.15 (Standards of Conduct). 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.
- B. Reporting allegations of sexual harassment.
1. The DOC strongly encourages employees who believe they are being harassed to clearly and promptly notify the instigator orally or in writing that the behavior is unwelcome.
 2. If for any reason an individual does not wish to confront the instigator directly, or if such confrontation does not successfully end the objectionable behavior, the individual should report his or her allegations to a higher level supervisor or to Human Resources.
 3. An initial report may be made orally or in writing.
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4. A supervisor who receives a report of sexual harassment will make every reasonable effort to forward the written complaint to the Human Resource Manager within twenty-four (24) hours of receipt of the report.
 5. The DOC 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.
 6. 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).
- C. Investigations of sexual harassment allegations
1. Allegations of sexual harassment brought to the attention of the DOC will be promptly investigated by DOC Human Resources staff. (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.)
 2. Confidentiality will be maintained throughout the investigatory process, to the extent practical and appropriate under the circumstances.
 - a. Individuals who are interviewed should be advised that discussing the interview with others may degrade the integrity of the investigation. Thusly, employees are encouraged to keep all matters regarding their interview confidential.
 - b. The investigative interviewer will distribute information as appropriate to persons who have the right or ability to respond to, corroborate, or deny any allegation.
 3. An individual under investigation is entitled to know the allegations made against him or her, and to have an opportunity to respond to those allegations.
 4. The investigator will take the wishes of the complainant into account; however, it is ultimately the DOC's responsibility to determine how to investigate allegations of sexual harassment in order to ascertain the relevant facts in connection with the complaint.
 5. The investigator may recommend segregating the complainant from the alleged instigator while the investigation is underway, which may require, for example, a temporary reassignment or transfer of one or both parties.
 6. On completion of the investigation, the investigator will communicate the findings to the appropriate director.
 7. 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.
- D. The role of HR staff is to conduct a fair and thorough investigation. Disposition of a complaint
1. Complaint confirmed
If Human Resources 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.
 2. Complaint unconfirmed
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If Human Resources 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.

- a. 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.
3. In the event that the executive head and the Human Resource Manager are unable to agree on a finding or a course of action, the matter shall be referred to the Division of Personnel, Department of Administration, and/or the Attorney General as necessary, and they shall determine the appropriate action to be taken.
- E. 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.

VIII. Implementation

This policy and procedure is effective as of the date signed by the Commissioner. Each manager shall incorporate the contents of this document into local policy and procedure. All local policies and procedures must conform to the contents of this document.

June 10, 2015

Signature On File

Date

Ronald Taylor, Commissioner
Department of Corrections