

<p align="center">GEORGIA DEPARTMENT OF JUVENILE JUSTICE</p>	<p align="center">Transmittal # 17-12</p>	<p align="center">Policy # 3.22</p>
<p>Applicability: {x} All DJJ Staff { } Administration { } Community Services { } Secure Facilities</p>	<p>Related Standards & References: Title VII of the 1964 Civil Rights Act 42USC@2000 <i>et seq.</i>, as amended by the Civil Rights Act of 1991 O.C.G.A. §45-19-20 <i>et seq.</i> State Personnel Board Rule 478-1-.03 4-JCF-6D-06, 3-JDC-1C-05-1 DJJ 3.23, 3.24, 3.80, 4.2, 6.2, 14.3, 14.6</p>	
<p>Chapter 3: PERSONNEL</p>	<p>Effective Date: 11/30/17</p>	
<p>Subject: HARASSMENT</p>	<p>Scheduled Review Date: 11/30/18 Replaces: 7/15/16 Office of Human Resources</p>	
<p>Attachments: None</p>	<p>APPROVED:  <hr/> Avery D. Niles, Commissioner</p>	

I. POLICY:

Department of Juvenile Justice employees and their work environments shall be free of all forms of unlawful harassment and intimidation.

II. DEFINITIONS:

Employee: For the purpose of this policy, any employee of the Department of Juvenile Justice.

Hostile Work Environment: An unreasonable interference with an individual’s job performance due to unlawful harassment.

Mediation: An informal problem-solving process in which a certified mediator helps disputing parties reach a mutually satisfactory agreement.

Unlawful Harassment: Unwanted, unlawful conduct pertaining to an individual’s race, color, religion, gender, national origin, age, disability, or other legally protected category that unreasonably interferes with an individual’s job performance or creates an intimidating, hostile, or offensive working environment. For the purposes of this policy, the term “unlawful harassment” includes, but is not limited to:

- Offensive remarks, jokes, or slurs;
- Offensive pictures, drawings, photographs, or written materials;
- Foul or obscene language;

Chapter	Subject	Policy #	Page
PERSONNEL	HARASSMENT	3.22	2 of 4

- Offensive e-mail or voice mail, or the use of the internet in a manner inconsistent with the provisions of this policy and DJJ 6.2, Network Access, including, but not limited to, downloading and viewing sexually explicit web sites;
- Offensive sexual remarks, sexual gestures, sexual advances, or requests for sexual favors, regardless of the gender of the individual(s) involved;
- Offensive or unwelcomed verbal or physical conduct/contact (including touching);
- Harassment related to an individual's sexual orientation; and
- As it pertains to sexual harassment, submission to or rejection of unwelcome, unlawful conduct by an individual is used as the basis for employment decisions affecting such individual, including but not limited to, threatening a reprisal or retaliating against an employee for refusing to respond to a sexual advance or a request for a sexual favor or for reporting a violation of this policy.

III. PROCEDURES:

- A. Unlawful harassment by any Department employee or other individual doing business with or on behalf of the Department (e.g., vendors, contractors, volunteers, etc.) is a violation of this policy and is not tolerated.
- B. Employees, vendors, contractors, and volunteers will be provided sexual harassment and discrimination training. Acknowledgement of training will be documented in vendor contracts and in accordance with DJJ 4.2, New Employee on the Job Training; DJJ 14.3, Citizen and Volunteer Involvement; and DJJ 14.6, Interns.
- C. Violations of this policy subject an employee to disciplinary action up to and including dismissal from employment.
- D. Supervisors, managers, and employees will not knowingly permit unlawful harassment in any work unit.
- E. No supervisor or manager will suggest to any employee or applicant that his/her initial or continued employment or potential advancement will be affected by his/her participation in or refusal to participate in any form of a personal relationship.

Chapter	Subject	Policy #	Page
PERSONNEL	HARASSMENT	3.22	3 of 4

- F. Supervisors and managers will not threaten a reprisal or retaliate against an employee in any form or manner for reporting a violation of this policy.
- G. Questions as to what constitutes harassing behavior or what conduct is prohibited by this policy will be directed to the Manager of the Employee Relations/EEO Section or the Director of Human Resources.
- H. Reporting Unlawful Harassment:
1. Any employee observing or experiencing sexual or other unlawful harassment must report the matter to their immediate supervisor or reviewing manager/next-level supervisor. The immediate supervisor or reviewing manager/next-level supervisor will notify the Manager of the Employee Relations/EEO Section.
 2. If the unlawful harassing behavior involves an employee's immediate supervisor, reviewing manager, or other management representative, or if an employee feels uncomfortable in reporting the matter to these individuals, the employee will contact the Manager of the Employee Relations/EEO Section or the Director of Human Resources.
 3. Without attempting to determine validity, supervisors and managers must immediately forward all unlawful harassment complaints received to the Manager of Employee Relations/EEO Section or the Director of Human Resources. (No Special Incident Report will need to be filed.)
 4. If the Office of Human Resources determines that the incident is likely criminal in nature, the case will be assigned to the Office of Investigations.
 5. Complaints of unlawful harassment will be kept confidential. Only those who need the information in order to do their jobs will be provided access to the information.
 6. No employee will be penalized for reporting inappropriate and unlawful harassing behavior on the part of another employee, vendor, or other third party.
- I. Resolution Process:
1. After review of the complaint, the Manager of the Employee Relations/EEO Section will determine the appropriate action to be taken, including if the use of alternative dispute resolution such as mediation, will be offered to the parties. If an investigation is warranted, it will be

Chapter	Subject	Policy #	Page
PERSONNEL	HARASSMENT	3.22	4 of 4

investigated pursuant to the Department's procedure designed specifically for unlawful discrimination. (See DJJ 3.23, Employee Complaint Process.)

2. The Manager of the Employee Relations/EEO Section will submit the investigation findings to the respective Deputy Commissioner or reviewing official.
3. The Deputy Commissioner or reviewing official will make the final determination of the corrective action, if any.
4. The Deputy Commissioner or reviewing official's recommendation will be forwarded to the Office of Legal Services for review prior to implementation of any adverse action in which the recommended sanction is a suspension without pay, salary reduction, demotion, or termination (see DJJ 3.80, Employee Progressive Discipline).
5. The Manager of the Employee Relations/EEO Section will provide written notice to the complainant(s) of the outcome of the investigation and/or any corrective action taken.
6. At any time, the complainant(s) may present the matter to the Georgia Commission on Equal Opportunity or the Equal Employment Opportunity Commission.
7. Documentation of all investigations and any corrective actions taken will be maintained by the Manager of the Employee Relations/EEO Section.

J. Time Provisions will be consistent with DJJ 3.23, Employee Complaint Process.

IV. LOCAL OPERATING PROCEDURES REQUIRED: NO