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|   |   |  | <b>OPI:</b>                | HUMAN RESOURCE              |                     |
|   |   |  | <b>REVIEW DATE:</b>        | July 29, 2014               |                     |
|   |   |  | <b>Approving Authority</b> | Thomas Faust<br>Director    |                     |
| <b>SUBJECT:</b>   |   | <b>SEXUAL HARASSMENT AGAINST EMPLOYEES</b> |                            |                             |                     |
| <b>NUMBER:</b>  |   | <b>3310.4I</b>                             |                            |                             |                     |
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**SUMMARY OF CHANGES:**

| <b>Section</b>          | <b>Change</b>   |
|-------------------------|---|
| Revisions               | <i>Minor revisions made to policy</i>   |
| Page 7, § 9 (c)         | <i>Section #9 (c), "Cease and Desist Orders" have been added along with attachment A &amp; B.</i> |
| Change Notice CN-12-006 | <i>CN-12-006 has been rescinded and all information has been updated in policy.</i>               |

**APPROVED:**



**Thomas Faust, Director**

July 29, 2013

**Date Signed**

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1. **PURPOSE AND SCOPE:** To implement procedures for reporting, filing, investigating, and adjudicating claims of sexual harassment and/or retaliation against sexual harassment within the District of Columbia Department of Corrections (DOC). This directive applies to employees, contract employees and volunteers under the direction or control of the DC DOC.
  
2. **POLICY.** It is the policy of the DC DOC to prohibit sexual harassment as well as retaliation for objecting to or reporting incidents of sexual harassment.
  
3. **NOTICE OF NONDISCRIMINATION.** In accordance with the DC Human Rights Act of 1977, as amended, D.C. Official Code section § 2-1401.01 et seq., (hereinafter, "the Act"), the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business. Sexual harassment is a form of sex discrimination, which is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.
  
4. **PROGRAM OBJECTIVES.** The expected results of this program are:
  - a. DOC employees will have a clear understanding of what constitutes sexual harassment and retaliation, what the penalties are for engaging in such conduct, and what the proper procedures are for reporting incidents of sexual harassment and related retaliation.
  
  - b. To explain the Office of the Special Inspector (OSI) which is responsible for investigation of the sexual harassment hotline, conducting investigations and issuing findings as it relates to sexual harassment.
  
5. **DIRECTIVES AFFECTED**
  - a. **Directives Rescinded**
    - 1) PS 3310.4H Sexual Harassment Against Employees (1/27/12)
  
    - 2) CN-12-006 Sexual Harassment Against Employees, Change Notice (9/12/12)

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b. **Directives Referenced.** None

## 6. **AUTHORITY**

- a. Order of the United States District Court in Bessye Neal, et al v. District of Columbia, et al, Civil Action No. 93-2420, dated 6/28/99.
- b. Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 e-2.
- c. D.C Municipal Regulations Title 4, Human Rights and Relations
- d. Mayor's Order 2004-171, "Sexual Harassment", dated 10/20/04.
- e. DC Human Rights Act of 1977, as amended, DC Code section 2-1401.01 et seq.
- f. D.C. Code § 2-1402.11, Prohibitions
- g. Collective Bargaining Agreement Between District of Columbia Department of Corrections and Fraternal Order of Police Department of Corrections Labor Committee effective December 19, 2002-September 30, 2005

## 7. **STANDARDS REFERENCED**

- a. American Correctional Association (ACA) 4<sup>th</sup> Edition Standards for Adult Local Detention Facilities 4-ALDF-7C-03.

## 8. **DEFINITIONS.** For the purpose of this PS, the following definitions apply:

- a. **Adverse Employment Action** - any negative change in the terms and conditions of an employee's employment. It can include such things as transfers, shift changes, negative performance evaluations, unwarranted discipline, harassment or denial of promotion or shift requests. It also can include the creation of a hostile work environment because the employee engaged in a legally protected activity related to a claim of sexual harassment.
- b. **Cease and Desist Order** - an order prohibiting unnecessary contact between the complainant and respondent while an allegation of harassment or

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retaliation is investigated. However, to ensure the continued efficient operation of the agency, it does not always prohibit interaction between the complainant and the respondent as may be required to carry out the employees' respective duties and responsibilities.

- c. **Complainant** - An employee who alleges he or she is the victim of sexual harassment and/or retaliation or who files a sexual harassment and/or retaliation complaint.
- d. **Disciplinary Action/Discipline** - Action taken against employees who have violated DOC policy, rules or regulations established by the District Personnel Manual (DPM), or any District of Columbia law or regulation.
- e. **Investigators** – Persons who are assigned by the OSI to conduct inquiries into allegations of sexual harassment and retaliation, determine the facts associated with sexual harassment and/or retaliation complaints filed with the OSI, and make findings of probable cause.
- f. **Respondent** - The employee who is accused of sexual harassment and/or retaliation.
- g. **Retaliation** – For purposes of this Policy and Procedure, retaliation is defined as taking or threatening to take an adverse employment action against an employee because that employee has engaged in the legally protected activity of reporting sexual harassment.
- h. **Legally Protected Activity** - resisting, opposing or reporting sexual harassment, making oral or written complaints about sexual harassment, or testifying in, assisting in, or otherwise participating in the investigation of a sexual harassment complaint. Such activities are protected regardless of whether the conduct complained of is ultimately proven to have constituted sexual harassment.
- i. **Sexual Harassment** - Sexual harassment is defined as unwelcome verbal, visual or physical conduct of a sexual nature, such as advances, requests for sexual favors, and other conduct when:
  - 1) Submission to such conduct is made a term or condition of employment, either explicitly or implicitly;
  - 2) Submission to or rejection of such conduct by an employee is used as the

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basis for employment decisions affecting such employee;

- 3) Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance; or
  - 4) Such conduct affects work conditions or creates an intimidating, hostile, or offensive working environment.
- j. **Inappropriate Behavior** - The following lists are contained in k. and l. below include in examples of sexual harassment. These lists are not exhaustive, but are given to illustrate the range of conduct that must not be engaged in at work or during any work-related activities, including those that occur off-site. These lists include acts that are always sexual harassment, acts that may be sexual harassment under certain circumstances, blatant demands for sex, or acts that may be inappropriate behavior for DOC employees even when not meeting the legal definition of sexual harassment.
- k. **Verbal Behavior**
- 1) Making suggestive or sexual comments about another person's or one's own anatomy, figure, appearance, or clothing;
  - 2) Making suggestive sounds, for example, kissing, sucking, groaning, howling or other simulated sex noises;
  - 3) Asking personal questions about a person's sex life, sexual preferences, habits or history;
  - 4) Subjecting another employee to information about your own sex life, sexual preferences, habits or history;
  - 5) Describing sexually explicit or pornographic acts, films, dreams, or fantasies;
  - 6) Requesting or demanding sex from another employee who has made it clear that he or she is not interested;
  - 7) Turning work discussions to sexual topics;
  - 8) Telling sexual or sexist jokes;

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- 9) Referring to employees or other persons in sexist or sexual terms;
- 10) Repeatedly contacting an employee at home or initiating contact outside of the workplace about non-work related matters when the employee has made it clear that she or he has no interest in such contact;
- 11) Requesting or demanding sex from another employee who has made it clear that he/she is not interested.

**I. Non-Verbal or Physical Behavior**

- 1) Looking a person up and down, fixing eyes on sexual parts of anatomy;
- 2) Giving unwanted gifts, letters, notes;
- 3) Making suggestive facial gestures, such as winking, wagging the tongue, throwing kisses, licking lips;
- 4) Simulating sex acts;
- 5) Displaying sexually explicit or sexually suggestive pictures, images, or objects;
- 6) Transmitting sexually explicit, profane, obscene, intimidating, defamatory or otherwise unlawful or inappropriate material in the office, via e-mail, or downloading such materials from the Internet;
- 7) Touching a person's body, hair or clothing;
- 8) Giving a person a massage around the neck or shoulders, hugging, kissing, patting, or stroking a person;
- 9) Touching or rubbing oneself sexually in view of another person;
- 10) Pulling another person's clothing off or up, or sticking a hand down another person's clothes, or undressing in front of or exposing oneself to another person;
- 11) Forcing another person to engage in activities such as dancing, drinking alcohol or coming to one's hotel room uninvited while on travel status; or

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- 12) Putting sexually suggestive objects in a person's desk, locker or workspace.

## 9. GENERAL PROHIBITION AGAINST SEXUAL HARASSMENT AND RETALIATION

- a. Each DOC employee is prohibited from engaging in sexual harassment or inappropriate sexual conduct and is required to report inappropriate sexual harassment or conduct when experienced or observed consistent with the procedures set forth in this policy. Each employee is protected from retaliation for complaining about or witnessing sexual harassment or conduct, as defined above, against another employee.
- b. Any supervisor who receives a verbal or written report alleging sexual harassment or inappropriate sexual conduct must immediately make written notification to the EEO Officer of the DOC and The SI.
- c. **Cease and Desist Orders.** The Warden, Deputy Warden, or Office Chiefs/Managers shall issue the complainant and respondent a Cease and Desist Order (Attachment A) while the allegation of harassment or retaliation is investigated. Once the investigation findings have been submitted, the issuing Authority shall issue a Cease and Desist Release Order to both the complainant and respondent.
  - 1) Any employee who is found to have engaged in such behavior will be subject to discipline that, according to the severity of the offense, may include termination. The Cease and Desist order shall remain in effect against the respondent for a period of six (6) months. The issuing authority will review the order and determine if the order shall remain or be lifted. If the order is lifted, both parties shall receive a Cease and Desist Lift order (Attachment B).
- d. Consistent with all applicable personnel laws and regulations regarding employee discipline, any corrective or adverse action against an employee for sexual harassment or retaliation will be placed in the employee's official personnel file, and will be considered a significant negative factor in DOC performance evaluations, promotion decisions and consideration for reemployment as set forth in DPM Chapter 8.

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10. **OFFICE OF THE SPECIAL INSPECTOR.** The Company PREEMPT acts as the special Inspector. PREEMPT is located at 1200 G Street, NW, Suite 820, Washington, DC 20005. The telephone number is (202) 434-4544. The fax number is 1(866) 484-0765. The Office of the Special Inspector (OSI) was established on April 30, 2002.

- a. **Authority of OSI.** Subject to applicable laws and regulations, the OSI shall investigate all complaints of sexual harassment and/or retaliation related to such complaints. The SI shall investigate and issue findings to the Director or his/her designee.
- b. **Investigations and Findings.** The OSI will investigate all complaints of sexual harassment and related retaliation and propose findings as to whether sexual harassment or retaliation has occurred. The SI will forward his/her investigative findings and recommendations to the Director of DOC who either adopt or reject the investigator's findings and recommendations. If the Director rejects the findings and recommendations, he or she will return the findings to the SI for further proceedings with an explanation regarding the areas of concern and the basis of the remand.
- c. **Findings of No Probable Cause of Sexual Harassment and/or Retaliation**
  - 1) When a finding of no probable cause is recommended by the investigator, the investigator's Report and Recommendation ("Investigative Report") will be given to the SI. The SI may either remand the Investigative Report to the investigator for further investigation or revisions, or send a copy of the Investigative Report directly to the Director, Complainant and Respondent at the addresses listed on their locator sheets. Receipt will be deemed effective within 3 days of mailing.
  - 2) If the SI determines that there is no probable cause to find that sexual harassment and/or retaliation occurred, the complaint will be dismissed. Complainants may file a complaint with either the EEOC or the D.C. Human Rights Commission.
  - 3) If the SI determines that there is probable cause to find that sexual harassment and/or retaliation occurred, the SI will submit the Investigative Report to the DOC Director for proposed disciplinary action consistent with the DPM Chapter 16.

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**d. Relief Awarded**

- 1) The findings of the SI will aid in the final decision of the Director of DOC on the matter in question. The relief awarded to Complainant by the DOC may include remedial personnel actions (including modifications of performance ratings) and back pay, but will not include compensatory damages, punitive damages, or attorneys' fees.

**e. Responsibility for Policies and Training**

- 1) The DOC Office of Policy and Procedure (OPP) implements policies and procedures, consistent with federal and District of Columbia law, as necessary to carry out DOC's responsibilities relating to claims of sexual harassment and/or retaliation.
- 2) The DOC Training Administrator designs and makes available training programs that new employees must attend promptly upon hire, and that current employees must attend at least annually.
- 3) The DOC Training Administrator working with the SI will maintain records of employees who receive sexual harassment/retaliation training.

**11. EMPLOYEE COUNSELING.** The SI will coordinate with the Employee Assistance Program (EAP), as well as outside providers when the SI deems necessary, to provide counseling support and referrals to individuals alleging sexual harassment and/or retaliation who request such assistance. Confidentiality regarding services provided will be maintained.

- 1) Employees who believe they have experienced harassment and/or related retaliation, or witnessed such conduct may submit complaints to the Office of Special Investigator.
- 2) All current and former District of Columbia employees, and particularly DOC employees, are required to cooperate fully and promptly with requests by Investigators to provide interviews and other information.
- 3) Employees are required to cooperate with investigations and refusal may result in disciplinary action.

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- 4) **Confidentiality.** Formal complaints, as well as all information gathered or generated in the investigation, will be kept confidential, except that individuals with a “need to know” (such as the Complainant, Respondent, witnesses, and management officials involved in the matter) may receive access to complaints and information gathered in the investigation.

## 12. FILING A COMPLAINT WITH THE D.C. OFFICE OF HUMAN RIGHTS (OHR)

- a. DOC employees alleging sexual harassment should first notify and consult with the DOC EEO Counselor.
- b. The EEO Counselor has twenty-one (21) days in which to seek a solution on an informal basis.
- c. Staff may file formal charges with the Office of Human Rights (OHR) within fifteen (15) calendar days of your final interview with the EEO Counselor.

## 13. PROCEDURES FOR FILING A COMPLAINT

- a. **Hotline**
  - 1) Employees may contact the Sexual Harassment of Employees hotline to report allegations of sexual harassment/retaliation or to receive information on procedures for pursuing a complaint. The hotline telephone number is (202) 671-2054.
- b. The SI has the authority and responsibility to receive and investigate internal complaints of sexual harassment and/or retaliation arising from complaints of sexual harassment.
- c. Employees also have the right to file complaints outside the DOC with the DC Office of Human Rights (see DCMR Title 4) or the U.S. Equal Employment Opportunity Commission.
- d. **Time Limits**
  - 1) An employee must initiate the complaint process with the OSI within one year of the incident or behavior being complained of, or in the case of ongoing or continuing behavior, within one year of the most recent incident.

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- e. **Combined Complaints of Sexual Harassment and other forms of discrimination or harassment.** The SI only has the authority to investigate claims of sexual harassment and retaliation arising out of complaints of sexual harassment. If an employee has a complaint that includes other forms of discrimination or harassment, the employee must bring those complaints to the agency EEO Officer. The SI is not required to provide guidance for complaints that do not fall within the scope of this directive or within the jurisdiction of the SI.
- f. **Procedures For Complaints Submitted to the Office of Special Inspector**
- 1) **Complaints:** The OSI will accept and investigate sexual harassment complaints that are submitted by current or former employees, provided they comply with the applicable time limits (see above). Complaints may be submitted in writing or verbally, but employees are encouraged to make their complaints in writing to:
    - a) Any DOC Supervisor/Office Chief/Administrator;
    - b) The DOC EEO Officer or EEO Counselor;
    - c) The DOC Deputy Director; or
    - d) The Special Inspector, either by calling the Sexual Harassment Hotline at (202) 671-2054, or in writing to PREEMPT, 1200 G Street, NW, Suite 820, Washington, DC 20005.
    - e) Complaints not submitted directly to the SI and DOC EEO Officer will be immediately forwarded directly to the OSI and the DOC EEO Officer without going through any chain of command. Failure to do so may result in disciplinary action against the recipient of the complaint.
    - f) Any DOC supervisor who receives an oral complaint of sexual harassment and/or retaliation must put the complaint in writing immediately and submit the complaint to the DOC EEO Officer and the OSI. Failure to do so will result in disciplinary action against the supervisor.
  - 2) Complaints may be submitted either by employees who believe they have experienced harassment and/or related retaliation, or by witnesses of such conduct.

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- 3) All current and former District of Columbia employees, and particularly DOC employees, are required to cooperate fully and promptly with requests by Investigators to provide interviews and other information.
- 4) Failure of employees to attend interviews as scheduled by Investigators, and to cooperate in OSI investigations, or failure of DOC supervisors to arrange for employee attendance, will subject the employee or supervisor to discipline. In addition, the SI may dismiss the complaint of any Complainant who does not cooperate with the investigation or who cannot be reached because they have not notified the DOC of their address or telephone number changes.
- 5) Upon reasonable notice, administrative leave must be submitted to the immediate supervisor. Time spent at interviews will be credited; if the interview is not scheduled for a time on the employee's regular shift.
- 6) Complainants and union representatives will be permitted reasonable use of official time for preparation and presentation of the complaint or to attend meetings with the SI or the OSI Investigator and to attend hearings in this matter.
- 7) Each employee against whom an adverse action has been proposed will be entitled to a reasonable amount of official time to prepare his or her response, not to exceed ten (10) hours of administrative leave. Such preparation will not take place at the employee's duty station or any non-public area of a government office, unless authorized by the agency head.
- 8) **Temporary/Permanent Personnel Actions.** A DOC supervisor, Office Chief/ Administrator, Deputy Director or Director may make appropriate adjustments in working conditions of a Complainant (for example, shift, post or schedule changes) while an allegation of sexual harassment and/or retaliation is being investigated or on a permanent basis as remedial relief where the SI determines that there is probable cause that sexual harassment or retaliation has occurred.
- 9) **Mediation.** In appropriate situations as agreed to by the Complainant, Respondent and other interested parties, the OSI may recommend the use of an impartial mediator to assist the parties in fashioning a mutually-agreeable resolution that will result in voluntary withdrawal of the

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complaint. Where a resolution is not possible through mediation, the Complainant may pursue a formal complaint.

- 10) **Confidentiality.** The SI, hotline employees, and Investigators will keep all pre-complaint inquiries confidential, unless the employee making the inquiry expressly authorizes the OSI to disclose all or part of the matters discussed. Formal complaints, as well as all information gathered or generated in the investigation, will be kept confidential, except that individuals with a “need to know” (such as the Complainant, Respondent, witnesses, and management officials involved in the matter) may receive access to complaints and information gathered in the investigation.

**g. What Employees Can Do if They Think They Have Experienced or Witnessed Sexual Harassment or Retaliation Related to Sexual Harassment**

- 1) To receive information about what action can be taken or simply discuss the situation: Call the OSI Hotline at 202-671-2054 or contact the OSI directly to report the sexual harassment and/or retaliation you experience or observe.
- 2) Be sure to specify whether you are initiating a complaint or asking for information, and whether any portion of your conversation may be disclosed to others.
- 3) To file a complaint with the DOC Special Inspector, send it to PREEMPT, 1200 G Street, NW, Suite 820 Washington, DC 20005 (202) 434-4544. You may also give a complaint to one of the following, who will then forward it to the OSI. Be sure to specify that you are submitting a complaint of sexual harassment and/or retaliation and keep a copy of your complaint.
  - a) Your immediate supervisor;
  - b) DOC EEO Officer or EEO Counselor;
  - c) DOC Supervisor/Office Chief/Administrator; or
  - d) DOC Deputy Director.

|   |  |                        |                             |                      |
|---|--|------------------------|-----------------------------|----------------------|
| DISTRICT OF COLUMBIA<br>DEPARTMENT OF CORRECTIONS |  | <b>EFFECTIVE DATE:</b> | July 29, 2013               | <b>Page 14 of 15</b> |
| <b>POLICY AND PROCEDURE</b>                       |  | <b>SUPERSEDES:</b>     | 3310.4H<br>January 27, 2012 |                      |
|   |  | <b>REVIEW DATE:</b>    | July 29, 2014               |                      |
| <b>SUBJECT:</b>                                   | <b>SEXUAL HARASSMENT AGAINST EMPLOYEES</b> |                        |                             |                      |
| <b>NUMBER:</b>                                    | <b>3310.4I</b>                             |                        |                             |                      |
| <b>Attachments:</b>                               | Attachment A -D                            |                        |                             |                      |

14. **RESPONSIBILITIES.** The D.C. Department of Corrections will not condone acts of sexual harassment or inappropriate behavior by staff or inmates. All employees will be informed that sexual harassment is prohibited conduct which will not be condoned, and appropriate corrective action will be taken against persons who engage in sexual harassment or retaliation. Staff must take seriously all reported statements from their fellow staff alleging claims of inappropriate sexual behavior or claims of sexual harassment or retaliation.

Staff must take seriously all reported statements from their fellow staff alleging claims of inappropriate sexual behavior or claims of sexual harassment or retaliation.

- a. **Special Inspector.** The SI will ensure that complaints of sexual harassment and retaliation for complaining about or witnessing sexual harassment are efficiently and accurately received and investigated as expeditiously as possible. At the conclusion of the investigation, the SI will issue findings as to whether there is probable cause to find that sexual harassment and/or retaliation has occurred.
  
- b. **Managers and Supervisors.** All managers and supervisors are responsible for the following:
  - 1) Ensuring that the policies regarding sexual harassment and retaliation are implemented and enforced.
  - 2) Promoting a workplace that is free of sexual harassment and retaliation, and ensuring that complaints of such conduct are promptly forwarded to the OSI in accordance with DOC Policy and Procedure.
  - 3) Monitoring his/her workplace to ensure that incidents of sexual harassment and/or retaliation are detected promptly and that each employee is aware of DOC's sexual harassment/retaliation policy and complaint procedures.
  - 4) Ensuring that employees who file sexual harassment complaints are protected from retaliation.
  - 5) Maintaining, to the greatest extent possible, the confidentiality of those employees who lodge sexual harassment/retaliation complaints or report evidence of sexual harassment or retaliation.

|   |  |                        |                             |                      |
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| <b>Attachments:</b>                               | Attachment A -D                            |                        |                             |                      |

6) Complying with procedures for forwarding complaints, cooperating with investigations of allegations of sexual harassment/retaliation, and carrying out remedial and disciplinary orders of the OSI.

c. **Employees.** Each DOC employee is responsible for the following:

- 1) Ensuring that his or her conduct is free from all forms of sexual harassment or retaliation.
- 2) Refraining from using sexually offensive language, and from possessing sexually explicit or offensive materials (including literature, photographs, drawings), in the workplace.
- 3) Refusing to tolerate or condone sexual harassment and/or retaliation by other employees.
- 4) Cooperating with the OSI or DOC Supervisor/Office Administrators.

## 15. **PENALTIES**

- a. The Director or his/her designee will be responsible for ensuring that disciplinary action is taken against persons found in violation of the agency's sexual harassment policy.
- b. Managers and supervisors who fail to report sexual harassment or fail to take appropriate action to resolve sexual harassment complaints will be subject to disciplinary action.

16. **DISSEMINATION.** The DOC will ensure that the poster explaining employee rights and procedures for filing complaints under this Policy and Procedure is displayed permanently on all employee bulletin boards.

17. **ANNUAL REVIEW AND CERTIFICATION.** This PP will be reviewed at least annually and revised, as necessary, by the SI.

### Attachments

- Attachment A – Sample Letter – Cease and Desist Order
- Attachment B - Sample Letter – Cease and Desist Order Lift
- Attachment C - Acknowledgement Letter
- Attachment D - Poster



**MEMORANDUM**

**TO:**

**FROM:**

**DATE:**

**SUBJECT:** Cease and Desist Order

**RE:**

---

This cease and desist order is issued as a result of Equal Employment Opportunity (EEO) complaint you filed against the above referenced staff.

This cease and desist order requires that the complainant and respondent avoid unnecessary contact with each other while the allegation in question is being investigated. The respondent will not be assigned to work in any area where he is likely to come in contact with the complaint pending completion of the investigation. Nevertheless, you are to refrain from contacting the respondent.

This restriction does not represent a disposition of guilt or a finding of cause but is to ensure the integrity and safety of all involved.

You are reminded that confidentiality must be maintained at all times. You should not disclose any information regarding the harassment complaint except to the investigator and your attorney or his/her representative.

This order will remain in effect until a resolution of the complaint is determined.

---

Signature

---

Date

---

Witness

---

Date



**MEMORANDUM**

**TO:**

**FROM:**

**DATE:**

**SUBJECT:** Cease and Desist Order

**RE:**

---

**FOR RESPONDENT**

This order hereby lifts the Cease and Desist Order dated [DATE OF ORIGINAL CEASE AND DESIST ORDER], therefore effective immediately, there is no longer a Cease and Desist Order against you.

Pursuant to DC Department of Corrections Policy 3310.4H, the agency reviewed the original Cease and Desist order on [DATE OF REVIEW] and determined the Cease and Desist Order shall be lifted.

You are reminded that confidentiality must be maintained at all times. You should not disclose any information regarding the harassment complaint except to the investigator and your attorney or his/her representative.



**MEMORANDUM**

**TO:**

**FROM:**

**DATE:**

**SUBJECT:** Cease and Desist Order

**RE:**

---

**FOR COMPLAINANT**

This order hereby lifts the Cease and Desist Order dated [DATE OF ORIGINAL CEASE AND DESIST ORDER], therefore, effective immediately, you no longer have a Cease and Desist Order against the above referenced staff member.

Pursuant to Department of Corrections Policy 3310.4H, the agency reviewed the original Cease and Desist order on [DATE OF REVIEW] and determined the Cease and Desist Order shall be lifted. Please be aware that nothing in this order prevents you from filing another Equal Employment Opportunity (EEO) complaint.

You are reminded that confidentiality must be maintained at all times. You should not disclose any information regarding the harassment complaint except to the investigator and your attorney or his/her representative.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
DEPARTMENT OF CORRECTIONS**



\_\_\_\_\_  
**Office/Location**

**ACKNOWLEDGEMENT**

This is to acknowledge that I, on the date indicated below, have received a personal copy of PP **3310.4**, **“Sexual Harassment Against Employees”**, dated \_\_\_\_\_ . I acknowledge that I am responsible for reading the directive and complying with its requirements.

\_\_\_\_\_  
**Printed Name**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Supervisor Printed Name**

\_\_\_\_\_  
**Supervisor Signature**

\_\_\_\_\_  
**Date**

\*\*\*\*\*

**Note:** The form is maintained in the supervisor’s file and a copy must be forwarded to the agency’s EEO Officer and DOC Human Resource division.



# IMPORTANT NOTICE TO ALL EMPLOYEES



PP 3310.4

Attachment D

## SEXUAL HARASSMENT AND RETALIATION

### WHAT ARE YOUR RIGHTS AND WHAT CAN YOU DO?

*If you have experienced sexual harassment or retaliation related to sexual harassment at the DC Department of Corrections (DCDC), you can file complaints with the Office of the Special Inspector (OSI). This poster explains how the OSI works.*

**What can I do if I have experienced sexual harassment or retaliation?** You may choose to:

- Call the DCDC Sexual Harassment Hotline at (202) 671-2054
- File a written complaint with the OSI

### What is the Hotline?

The *Sexual Harassment Hotline* is a service allowing DOC employees to confidentially report incidents of sexual harassment and/or related retaliation and to get more information about how to formally pursue a complaint.

### Who can file complaints with the OSI?

Any current or former employee who has *witnessed* or who *is the victim* of either sexual harassment or related retaliation.

### How can I file a complaint of sexual harassment and/or retaliation?

By swearing or affirming, in writing, that the facts set out in your complaint are true to the best of your knowledge and belief and sending a copy of your complaint to:

- The Special Inspector
- Any DOC Supervisor
- The DOC EEO Officer
- The DOC Office Chief/Administrator
- The DOC Deputy Director

### Do I need to file my complaint on a special form?

No.

### How long do I have to file a complaint with OSI?

You have **1 year** from the date the offensive conduct took place.

### Will my complaint be kept confidential?

**Yes.** OSI keeps complaints confidential, *except that* people with a "need to know" (for example, you, the respondent, and management officials involved in the matter) may have access to complaints and information from the investigation. If there is an investigation, witnesses who are interviewed may also be given information about your complaint.

### What happens once I file a complaint with the OSI?

- **Screening:** OSI will screen all complaints and accept those within its jurisdiction.
- **Investigation:** An OSI investigator will contact you and initiate an investigation into your complaint.
- **Report of Investigation:** The investigative report will be prepared and sent to the DOC Director. You and the respondent will have 15 days to comment on the report before a final decision is rendered.
- **Third-Party Review:** If the investigative report recommends termination, a hearing officer will be appointed to review the proposed discipline. The hearing officer will recommend that the Director accept or reject the investigator's recommendation.
- **Final Findings and Decision:** The Special Inspector will review the file and either send the complaint back for more investigation and forward to the DOC Director. This is the final decision of the DOC.

### Can my complaint be dismissed without investigation?

Yes. If you:

- Fail to cooperate with the investigation; or
- If your complaint does not involve sexual harassment or related retaliation.

### Are there complaints that the OSI can not accept?

Yes. OSI cannot accept complaints involving:

- Discrimination, Sex Discrimination, Retaliation and Work Disputes *that are not based upon or involve Sexual Harassment*

## Important Contact Information:

### Office of the Special Inspector

PREEMPT

1200 G St, N.W., Suite 820

Washington, D.C. 20005

(202) 434-4544

**DC DOC Sexual Harassment Hotline**

**(202) 671-2054**