

# POLICY

**SUBJECT: Sexual Harassment/Employment Discrimination Policy**  
**NUMBER: MGT-03-18**  
**APPLICABLE TO: All DJS Employees, Contractors and Volunteers**

**APPROVED:**           /s/ signature on original            
**Sam Abed, Secretary**

**DATE:**           8/1/18          

## **I. POLICY**

The Department of Juvenile Services (DJS or Department) prohibits the sexual harassment or employment discrimination of its employees.

It is DJS policy that DJS staff shall:

- a. Act in accordance with state and federal law, and the Maryland Code of Fair Employment Practices (Executive Order, 01.01.2007.16) which prohibit discrimination, including sexual harassment, in the work place;
- b. Honor and respect the value and dignity of every employee of the Department;
- c. Ensure an environment that is free from any type of discrimination or harassment on any basis;
- d. Adhere to the Maryland and DJS policy of zero tolerance for sexual harassment; and
- e. Comply with all state and federal anti-discrimination laws.

## **II. AUTHORITY**

- A. Md. Code, Human Services Article, §9-203 and §9-204.
- B. Md. Code, Article 49B, Human Relations Commission.
- C. Md. Code, State Government Article, Title 20, Human Relations.
- D. Md. Code, State Personnel and Pensions Article, § 2-203.1, § 2-302 and § 5-201 to § 5-215.
- E. Maryland Code of Fair Employment Practices (Executive Order, 01.01.2007.16.)
- F. State of Maryland Sexual Harassment Policy and Procedures, Revised April 2011.
- G. Title VII of the Civil Rights Act of 1964, as amended.
- H. American Correctional Association (ACA) Standard, ACA-JCF-6D-06

## **III. DIRECTIVES/POLICIES RESCINDED**

Sexual Harassment/Employment discrimination Policy, MGT-03-11

**IV. FAILURE TO COMPLY**

Failure to comply with the Department’s Policy and Procedures shall be grounds for disciplinary action up to and including termination of employment.

**V. STANDARD OPERATING PROCEDURES**

Standard operating procedures have been developed.

**VI. REVISION HISTORY**

DESCRIPTION OF REVISION	DATE OF REVISION
New policy issued.	1/5/12
Revised policy issued to reflect additions made to existing law, new training section C to include: <ul style="list-style-type: none"> <li>• Sec. III(A)6 – added requirement that DJS shall designate a representative to work with the Commission on Civil Rights to implement new training requirements.</li> <li>• Sec. III(C) – New section added to outline new training requirements for all state employees.</li> <li>• Contractors and volunteers shall receive training on sexual harassment and discrimination.</li> <li>• All training records shall be maintained by the designated authorities.</li> </ul>	8/1/18

## PROCEDURES

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**Sam Abed, Secretary**

**DATE:** \_\_\_\_\_ 8/1/18

### **I. PURPOSE**

The purpose of this policy is to:

- a. Establish a workplace free of sexual harassment and other forms of discrimination;
- b. Require its employees to act in accordance with state and federal law and policy concerning the prohibition of discrimination; and
- c. Educate and train DJS employees on Maryland's and DJS' policy prohibiting sexual harassment and employment discrimination.

### **II. DEFINITIONS**

*Accused* may be male or female; the accused does not have to be the opposite gender of the victim. The accused may be an employee's direct supervisor, a supervisor in another division, a co-worker or a non-employee.

*Sexual Harassment* is unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment may be verbal (sexual innuendos, threats, jokes, sexual propositions, or suggestive comments); non-verbal (making suggestive or insulting noises, leering, whistling, or making obscene gestures); or, physical (touching, brushing the body, assaulting, or any other contact of a sexual nature). The ignorance or intentions of the harasser are irrelevant.

*Quid Pro Quo* means unwelcomed sexual advances, request for sexual favors, and other unwelcomed verbal, non-verbal or physical conduct of a sexual nature constitute "quid pro quo" sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such an individual.

*Hostile Work Environment* Unwelcomed sexual advances, request for sexual favors, and other unwelcomed verbal or physical conduct of a sexual nature constitute “hostile work environment” sexual harassment when a reasonable person would find:

- Such conduct is based on the complainant’s gender;
- Such conduct is sufficiently severe or pervasive to alter the conditions of the complainant’s employment and has the effect of unreasonably interfering with an individual’s work performance; or
- Such conduct creates an intimidating hostile or offensive working environment which perceived by the victim to be abusive or hostile.

*Victim* may be female or male; the victim does not have to be of the opposite gender of the accused. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.

### **III. PROCEDURES**

DJS shall act in compliance with the following and adhere to state and federal law, and DJS policy to establish and maintain a work environment free of discrimination:

#### **A. Management Responsibilities**

1. DJS managers and supervisors shall lead by example in their behavior and treatment of employees to create and maintain a discrimination-free workplace.
2. DJS managers and supervisors shall ensure that reporting and or cooperating employees are protected against retaliation for filing or aiding an investigation of a discrimination complaint.
3. DJS shall provide education, training, and mediation of dispute, and the investigation of sexual harassment allegations.
4. DJS shall apply appropriate disciplinary actions against each employee found to be in violation of the law or policy.
5. DJS will thoroughly investigate and issue a written decision within 30 days of receiving a report of sexual harassment.
6. DJS shall designate a representative to coordinate with the Commission on Civil Rights to implement the required sexual harassment trainings.
7. DJS shall prominently display posters at each DJS office and facility to inform employees about the Maryland’s prohibition against sexual harassment and other acts of employee discrimination in the workplace.
8. DJS will inform the victim of his/her right to pursue an allegation of sexual harassment with the Maryland Commission on Human Relations or the U.S. Equal Employment Opportunity Commission.
9. Staff may contact the Director of the Office of Fair Practices/Equal Employment Opportunity at (410)-230-3282 for additional information, or to inquire about issues of sexual harassment.

**B. Employee Responsibilities**

1. All DJS employees shall cooperate with the Office of Fair Practices/Equal Employment Opportunity in the investigation of allegations of sexual harassment or any complaint of employment discrimination;
2. If an employee wishes to report an incident of sexual harassment, the employee should report the incident to their unit supervisor, to another management person or the DJS Office of Fair Practices.
3. If an employee wishes to report an incident of sexual harassment and the immediate supervisor is the alleged harasser, an employee should report the incident to another management person or the DJS Office of Fair Practices/Equal Opportunity.

**C. Training**

1. All DJS employees are required to complete a cumulative of two (2) hours of in-person or virtual, interactive training on sexual harassment prevention. The training must be completed within six (6) months of each employee's date of hire and again every two (2) years during their employment with the state.
2. Contractors and volunteers shall receive training in Sexual Harassment and Discrimination as part of their orientation and must be advised that they are subject to disciplinary action, including dismissal and termination of contracts and/or services, if found guilty of sexual harassment charges. The training shall include:
  - a. Information on current federal and state laws regarding sexual harassment prevention; and
  - b. Best practices in prevention and correction of sexual harassment, abusive conduct and retaliation; and
  - c. Remedies and procedures available for victims of sexual harassment in the workplace.
3. Additional training will be provided to supervisors regarding:
  - a. Responding to sexual harassment complaints and preventing further abuse and/or retaliation; and
  - b. Creating a workplace culture where sexual harassment is not tolerated.
4. If the department deems it necessary, an employee must retake a part or all of the required training upon request.
5. The training records for DJS staff shall be maintained by the Professional Training and Education Unit (PTEU). Training records for volunteers shall be maintained by the Community Services Coordinator and training records for contractors shall be verified by the contract monitor or designee.

**IV. RESPONSIBILITY**

Administrators are responsible for implementation and compliance with this procedure within 30 days of issuance.

**V. INTERPRETATION**

The Deputy Secretary for Support Services shall be responsible for interpreting and granting any exceptions to these procedures.

**VI. LOCAL OPERATING PROCEDURES REQUIRED**

No

**VII. DIRECTIVES/POLICIES REFERENCED**

**VIII. APPENDICES**

*All forms are contained within the document and can be found on the DJS Intranet under the "Office of Fair Practice/Equal Employment" tab.*

1. **Discrimination Complaint Form**
2. **Unfair Management Practices or Harassment Complaint Form**
3. **Hostile Work Environment Questionnaire**
4. **Complaint Procedure Acknowledgement Form**
5. **Internal Complaint Withdrawal Form**



Successful Youth • Strong Leaders • Safer Communities

## **DJS POLICY AND STANDARD OPERATING PROCEDURES**

### **Statement of Receipt and Acknowledgment of Review and Understanding**

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**SUBJECT: Sexual Harassment/Employment Discrimination Policy**  
**NUMBER: MGT-03-18**  
**APPLICABLE TO: All DJS Employees, Contractors and Volunteers**

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I have received and reviewed a copy (electronic or paper) of the above titled policy and procedures. I understand the contents of the policy and procedures.

I understand that failure to sign this acknowledgment form within five working days of receipt of the policy shall be grounds for disciplinary action up to and including termination of employment.

I understand that I will be held accountable for implementing this policy even if I fail to sign this acknowledgment form.

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
PRINT FULL NAME

\_\_\_\_\_  
DATE

\_\_\_\_\_  
WORK LOCATION

***SEND THE ORIGINAL, SIGNED COPY TO DIRECTOR OF THE DJS OFFICE OF HUMAN RESOURCES FOR PLACEMENT IN YOUR PERSONNEL FILE.***

Boyd K. Rutherford  
 Lt. Governor

Larry Hogan  
 Governor

Sam Abed  
 Secretary

**DO NO WRITE IN THIS SPACE**

<p><b>FOR USE BY EEO OFFICE</b></p> <p>_____v. _____</p> <p>CASE NO. _____</p> <p>DATE FILED: _____</p>
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**DISCRIMINATION COMPLAINT FORM**

**Please print the following information:**

Last Name: \_\_\_\_\_ First: \_\_\_\_\_ MI: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Home Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Home Telephone: (\_\_\_\_) \_\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_\_

Title: \_\_\_\_\_ Unit/Location: \_\_\_\_\_

Office Telephone: (\_\_\_\_) \_\_\_\_\_

Supervisor/Manager's Name: \_\_\_\_\_

**Name of individual(s) you believe discriminated against you (Respondent):**

\_\_\_\_\_

**Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **State:** \_\_\_\_\_ **Zip Code:** \_\_\_\_\_

**What is the basis of the alleged discrimination? (Circle only those that apply to your complaint).**

- |                    |                                |                               |
|--------------------|--------------------------------|-------------------------------|
| Age                | Sex (gender)                   | Mental or Physical Disability |
| Color              | Retaliation                    | Genetic Information           |
| Sexual Orientation | Ancestry                       | Religion                      |
| Marital Status     | Creed                          | National Origin               |
| Race               | Gender Identity and Expression |                               |







If yes, please provide witnesses names and contact number.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What corrective action do you believe would address your complaint?**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you filed a previous complaint of alleged discrimination? Yes \_\_\_\_\_ No \_\_\_\_\_

If so, please describe the incident and when it occurred.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Who did you file this complaint with: EEOC \_\_\_\_\_ MCCR \_\_\_\_\_ Office of Fair Practices \_\_\_\_\_ Other \_\_\_\_\_

**Please notify the DJS Office of Fair Practices of any changes of address and/or telephone number during the period of this investigation.**

**AFFIRMATION**

**I affirm that I have read the above charge(s) and that it is true to the best of my knowledge, information and belief.**

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

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

**NOTICE OF YOUR RIGHT TO FILE A COMPLAINT WITH AN EXTERNAL CIVIL RIGHTS ENFORCEMENT AGENCY**

Any employee or applicant for employment who believes that he or she has experienced discrimination, has a right to file a formal complaint with State or Federal agencies listed below. *A person does not give up this right when he or she files a complaint with the Office of Fair Practices.* The following State and Federal agencies enforce laws related to **discrimination**:



- Maryland Commission on Civil Rights (MCCR)**  
 6 St. Paul Street, 9<sup>th</sup> Floor  
 Baltimore, Maryland 21201  
 Phone: 410-767-8600
  
- United States Equal Employment Opportunity Commission (EEOC)**  
 10 South Howard Street, 3<sup>rd</sup> Floor  
 Baltimore, Maryland 21201  
 Phone: 410-962-3932

**STATUTORY TIME PERIODS FOR THE TIMELY FILING OF CHARGES OF DICRIMINATION (MEASURE FROM THE OCCURRENCE OF DISCRIMINATORY ACTION):**

- State Fair Practices Offices-** within 30 days after first knowledge or reasonably knowing (SPPA§5-211 (b))
- Maryland Commission on Civil Rights-** Six (6) months (State Government Article Title 20, Annotated Code of Maryland)
- United States Equal Employment Opportunity Commission-** 300 days- unless a proceeding involving same acts is instituted first before the Maryland Commission on Civil Rights

**Confidentiality-** Information obtained as part of an investigation conducted under this SPPA§5-214 is confidential within the meaning of Title 10, Subtitle 6 of the State Government Article.

**AFFIRMATION**

I affirm that I have read the above notice concerning my rights to file a complaint with a local, state, and federal civil rights enforcement agency at any time before or after I file an internal complaint with the DJS Office of Fair Practices and am aware of my filing deadlines for those agencies.

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Director, Office of Fair Practices or designee

\_\_\_\_\_  
Date

**A copy of this form will be sent to you for your records.**







Boyd K. Rutherford  
Lt. Governor

Larry Hogan  
Governor

Sam Abed  
Secretary

**MARYLAND DEPARTMENT OF JUVENILE SERVICES**  
**OFFICE OF FAIR PRACTICES/EQUAL EMPLOYMENT OPPORTUNITY**  
**Charles Proctor, Director- 410-230-3282**  
**Denise Bean, Equal Employment Opportunity Officer, 410-230-3187**

HOSTILE WORK ENVIRONMENT QUESTIONNAIRE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
DATE

If you are alleging the creation of a hostile workplace, this questionnaire must be answered, signed and accompany your complaint.

Under federal, state employment guidelines and court decisions specific criteria, not necessarily all, must be reviewed in order to support your allegation of a hostile work environment. Your answers will assist this unit in resolving work place issues that may or may not be a hostile work environment.

If you need an explanation or assistance with any of the questions, please ask.

1. Does the hostile behavior you are alleging happen on a frequent basis? If so, explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Is the hostile behavior severe? If so, explain.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



3. Is the hostile behavior physically threatening or humiliating? If so, explain. Provide dates, other employees present if known.

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4. Does the hostile conduct unreasonably interfere with your ability to perform your job duties, or affect a term, condition or privilege of employment? If so, explain.

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5. Do you believe there is a relationship between the hostile behavior and your membership in a protected class? A protected class member is one protected by race, gender, age, disability (mental or physical), marital status, religion, sexual orientation.

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6. Did your supervisor know or should have known about the hostile behavior? If so, explain. If your supervisor is creating a hostile work place, explain.

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Boyd K. Rutherford  
Lt. Governor

Larry Hogan  
Governor

Sam Abed  
Secretary

## **DEPARTMENT OF JUVENILE SERVICES**

### **OFFICE OF FAIR PRACTICES/EQUAL EMPLOYMENT OPPORTUNITY (EEO)**

### **COMPLAINT PROCEDURE ACKNOWLEDGEMENT FORM**

The Office of Fair Practices must inform you of your right to file a complaint of employment discrimination with the State, Maryland Commission on Civil Rights and/or Federal, Equal Employment Opportunity Commission. The State and Federal Commissions enforce employment discrimination laws.

Please check with either commission about timely filing. Addresses and phone numbers are publicly listed or can be acquired from the Office of Fair Practices.

I, \_\_\_\_\_, hereby acknowledge that I was informed of my rights to file my complaint of discrimination against this department with the Maryland Commission on Civil Rights (MCCR) or the Equal Employment Opportunity Commission (EEOC). The State and Federal Commission accept employment complaints based on race, age, color, sex, including pregnancy and sexual harassment, marital status, religion, national origin, physical and mental disability.

The State Personnel and Pensions Act, Title 5: Employee Rights and Protections, provides for the investigation and submission of a recommendation(s) to the head of the principal unit. Title 5 states that this is to be accomplished within thirty (30) days of filing. Complaints alleging sexual harassment are to be investigated within fifteen (15) days of filing. The Office of Fair Practices may request additional time from you to investigate and to submit conclusions and recommendations about your complaint.



Under the State’s Fair Employment Practices Policy, you have to right to appeal a “No Probable Cause” decision to the Employee Relations Division of the Department of Budget and Management within ten (10) working days of receipt of a written report of findings by your Department’s Office of Fair Practices. Appeals may be filed by writing to the:

**Department of Budget and Management  
Office of the Statewide Equal Employment Opportunity Coordinator  
Room 608  
301 West Preston Street  
Baltimore, Maryland 21201**

\_\_\_\_\_  
Director, Office of Fair Practices

\_\_\_\_\_  
Name – Print

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



Boyd K. Rutherford  
Lt. Governor

Larry Hogan  
Governor

Sam Abed  
Secretary

Department of Juvenile Services (DJS)  
Office of Fair Practices/Equal Employment Opportunity

Charles Proctor, Director (410) 230-3282  
Denise Bean, Equal Opportunity Officer (410) 230-3187  
(410) 333-4183 Fax

**INTERNAL COMPLAINT**  
**WITHDRAWAL FORM**

\_\_\_\_\_  
Complainant (Please Print)

\_\_\_\_\_  
Position Title

\_\_\_\_\_  
DJS Work Location / DJS Work Location Telephone or Cell Phone Number

I, \_\_\_\_\_, the Complainant, request the withdrawal of my internal DJS  
complaint submitted on or about \_\_\_\_\_.  
(Date)

I acknowledge that no one has threatened, attacked, intimidated, or inflicted bodily harm upon me, or threatened me with loss of my job, changes in the terms, conditions or benefits of my position as a result of filing this complaint. If this was a Civil Rights Act of 1964, Title VII, 1991 as amended, or an Americans with Disabilities Act of 1990 (ADA) complaint, I have been informed of my right to file an employment discrimination or disability accommodations complaint with external State and/or Federal Commissions within their respective specific time limits.

**As indicated by my signature below, I voluntarily withdraw my complaint and the DJS Office of Fair Practices/Equal Employment Opportunity will not conduct an investigation.**

**Please fax the completed form to 410-333-4183.**

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Date

\_\_\_\_\_  
DJS Equal Opportunity Officer

\_\_\_\_\_  
Date