

**⌘ EMPLOYEE'S RIGHT TO SEEK REMEDY ⌘
OUTSIDE THE DEPARTMENT**

In addition to the department's internal procedures, an employee has the right to file a complaint alleging a violation of Title VII of the Civil Rights Act with the EEOC or FCHR. Additional information regarding these options may be obtained from:

Florida Department of Corrections
501 South Calhoun Street
Tallahassee, FL 32399-2500
(850) 717-3219

Equal Employment Opportunity Commission
{ Address is contingent upon location.-Please call for more information. }
(800) 669-4000

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082 Toll Free: (800) 342-8170

FLORIDA DEPARTMENT OF CORRECTIONS



**SEXUAL HARASSMENT
YOUR RIGHTS AND RESPONSIBILITIES**

Sexual harassment is a form of sex discrimination and conduct unbecoming a public employee and is prohibited by Title VII of the Civil Rights Act of 1964, as amended, the Florida Civil Rights Act of 1992, Sections 110.105, 110.227, and 110.233, Florida Statutes, and Department of Corrections Rules, Chapter 33-208, Florida Administrative Code.

The Department of Corrections is committed to creating and maintaining a work environment free from sexual harassment. Accordingly, all department employees are put on notice that sexually harassing behavior of any kind will not be tolerated.

This brochure provides department employees with the information necessary to understand what sexual harassment is and what their rights and responsibilities are with regard to this issue.

⌘ WHAT IS SEXUAL HARASSMENT? ⌘

The U.S. Equal Employment Opportunity Commission (EEOC) guidelines broadly define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- ◆ Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- ◆ Submission to or rejection of such conduct explicitly or implicitly affects employment decisions with regard to an individual; or
- ◆ Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

⌘ SEXUALLY HARASSING BEHAVIOR ⌘

The alleged conduct must be of a *sexual nature*, and must be *unwelcome* or *unwanted*. Sexual harassment may include, but is not limited to, the following:

- ◆ Threatening actions against an individual for sexual favors.
- ◆ Stating or implying a desire for sexual relations or inappropriate physical contact.
- ◆ Use of sexually degrading words to describe an individual, or any offensive words, remarks, or jokes of a sexual nature.

- ◆ Display of sexually explicit or suggestive objects such as pictures or photographs in the workplace.
- ◆ Uninvited physical contact such as touching, patting, hugging, or pinching.

⌘ EMPLOYEE RESPONSIBILITIES ⌘

- ◆ Understand the department’s policy on sexual harassment and procedures for filing a complaint.
- ◆ Know that all employees have the legal right to work in an environment free from sexual harassment and intimidation.
- ◆ If an employee believed s/he is sexually harassed, s/he should file a complaint through the appropriate procedure. Employees should understand, however, that the actions described herein must be severe and pervasive in order to be considered sexual harassment. A single occurrence therefore generally does not rise to the level of illegal sexual harassment. Often, simply telling the offending person that their behavior is unwelcome is sufficient to resolve the problem. If the offensive behavior continues, filing a complaint of sexual harassment is in order.
- ◆ If any employee is aware that sexual harassment is occurring between coworkers or between a coworker and a client of the department, s/he is required to report it through the proper procedure.

⌘ MANAGEMENT RESPONSIBILITIES ⌘

- ◆ Management is required to take any complaint of sexual harassment seriously and give it immediate attention.
- ◆ Once an employee has informed management that sexual harassment has occurred, the manager must immediately have the employee report the matter to the appropriate intake officer in the servicing personnel office.
- ◆ If an employee states s/he does not want to file a complaint, management must nevertheless report the matter to the appropriate intake officer in the servicing personnel office.
- ◆ Management should be alert and sensitive to potential sexual harassment or offensive behavior within the workplace.

⌘ FILING A COMPLAINT ⌘

Complaints must be filed within 365 days (300 days if filing with EEOC) from the date the alleged harassment occurred. If the harassment was continuous, the complaint must be filed within 365 days (300 days if filing with EEOC) from the date of the most recent occurrence.

Any employee who believes s/he is a victim of sexual harassment has the right to file an informal or formal complaint as prescribed in “Filing and Processing Discrimination Complaints,” Procedure 208.052.

Complaints filed with the department must be filed with the appropriate intake officer- either the senior personnel manager of Employee Relations at the employee’s servicing personnel office or the supervisor of the Employee Relations and Programs Section, Bureau of Personnel.

Informal complaints will be handled by the intake officer and the appropriate management official at the employee’s work location. The intake officer and official will determine what measures are required to resolve the complaint, and will notify the employee of the action taken. If the complaint cannot be resolved informally, the employee may choose to file a formal complaint.

Formal complaints are initiated when an employee completes a “Discrimination Complaint,” DC2-881, obtained from the intake officer or the department’s intranet website. These complaints are investigated and a determination with regard to the merits of the allegations made by the department’s Civil Rights Review Committee, who notifies the employee of the determination.

An employee may withdraw her/his complaint at any time if the issues have been resolved to her/his satisfaction. Withdrawal of a formal complaint must be made in writing by submitting, “Internal Discrimination Complaint Withdrawal,” DC2-883 to the intake officer.

⌘ DISCIPLINARY ACTION ⌘

Any employee who is found to have committed sexual harassment shall be subject to disciplinary action up to and including dismissal.

Any employee who fails to report her/his knowledge of sexual harassment to the appropriate authority shall be subject to disciplinary action up to and including dismissal.

Any employee who knowingly files a false complaint of sexual harassment shall be subject to disciplinary action up to and including dismissal. However, employees who have acted in good faith and on reasonable grounds believe that sexual harassment has occurred shall not be subject to discipline.

⌘ LIABILITY UNDER LAW ⌘

Any employee who is found to have committed sexual harassment may also be subject to penalties under federal and state law. S/he may be held personally liable for her/his misconduct through civil suit by the injured party and may also be subject to criminal prosecution.

Any employee who is found to have knowingly filed a false complaint of sexual harassment may be held personally liable for her/his misconduct through civil suit by the injured party and may also be criminally prosecuted.

Additionally, an employee who fails to use the department’s internal complaint procedure or who does not file externally with the EEOC or the Florida Commission on Human Relations (FCHR) within the required timeframes may not be legally able to establish a claim of sexual harassment in a Title VII civil suit.

⌘ PROHIBITION AGAINST RETALIATION ⌘

It is prohibited for any management official to retaliate against an employee with regard to compensation, terms, conditions, or privileges of employment either solely or in part because s/he filed a complaint or reported alleged sexual harassment. Any official found to have retaliated against an employee shall be subject to disciplinary action up to and including dismissal.