



FLORIDA DEPARTMENT OF JUVENILE JUSTICE PROCEDURE

Title: Sexual Harassment and Discrimination Procedures

Related Policy: FDJJ – 1003.22

I. DEFINITIONS

Assistant Secretary of Jurisdiction/Executive Leadership Team Member or Comparable Manager – The Assistant Secretary or Executive Leadership Team member having managerial oversight of the respondent in a complaint.

Cause and No Cause Letters – Letters that identify the final findings of the Resolution Administrator.

Complainant – The person(s) filing a complaint of sexual harassment or discrimination.

Complaint - The oral or written report of alleged sexual harassment or discrimination to a Management Official or to the Department’s Equal Employment Opportunity (EEO) Officer.

Complaint Disposition Form – The document completed by the EEO Officer and forwarded to the Chief of Investigations, Office of Inspector General (OIG), identifying the complaint disposition.

Complaint Form – The form used by the EEO Officer to initiate an investigation of a complaint.

Discrimination – With regards to employment practices, any denial of equal treatment to a person in comparison with others similarly situated, based on that person’s rights as defined under Title VII of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973; Age Discrimination in Employment Act of 1967; Americans with Disabilities Act of 1990; and any other applicable laws.

EEO Officer – The employee located at Headquarters responsible for receiving, tracking, reviewing, and coordinating the resolution of complaints.

Management Official – The supervisor or manager who has been delegated the authority to take preventive and disciplinary actions.

Resolution Administrator – The Assistant Secretary of Jurisdiction or comparable level manager, staffed with the EEO Officer, an Assistant General Counsel, and an OIG representative, who reviews and determines the disposition of a complaint.

Respondent – The person(s) alleged to have committed sexual harassment or discrimination.

Sexual Harassment – Any form of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when: (a) Submission to the conduct is made explicitly or implicitly a term or condition of employment; (b) Submission to or rejection of the conduct is used as the basis for an employment decision; or (c) The conduct unreasonably interferes with an individual’s work performance or creates an intimidating, hostile, or offensive working environment.

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II. STANDARDS/PROCEDURES

A. Filing the Complaint:

1. The complainant shall submit a written statement(if possible but not mandatory) or make a verbal statement alleging discrimination or sexual harassment to a Management Official or to the EEO Officer.
2. If a Management Official receives the complaint, they shall contact the EEO Officer, within one (1) working day of receipt, for guidance in addressing the complaint.
3. The EEO Officer shall assess whether the complaint appears to rise to the level of discrimination or sexual harassment by comparing the complainant's allegation(s) to the official definition, as outlined under DEFINITIONS in section I of this policy.
4. The EEO Officer shall advise the Assistant Secretary of Jurisdiction or comparable level manager and forward a complaint form (Attachment1) to the Chief of Investigations, OIG within two (2) working days of receiving the complaint, when the complaint appears to rise to the level of discrimination or sexual harassment.
5. The EEO Officer shall advise the complainant and Assistant Secretary of Jurisdiction or comparable level manager of potential alternative resolutions, when the complaint does not appear to rise to the level of discrimination or sexual harassment.

B. Investigating the Complaint:

1. The Chief of Investigations, OIG shall assign the complaint to an investigator within five (5) working days of receipt from the EEO Officer.
2. The OIG investigator shall make a good faith effort to complete the investigation within sixty (60) working days of assignment.
3. The OIG investigator shall report their findings in the investigative report.
4. The Management Official shall take precautionary or remedial measures to ensure that there is no further alleged misconduct by the respondent towards the complainant during the investigation.
5. The Chief of Investigations and Inspector General shall review the completed investigative report and forward it to the EEO Officer.

C. Disposing of the Complaint:

1. The EEO Officer shall receive the investigative report and coordinate a Resolution presentation.
2. The Resolution Administrator shall review and assess the findings of the investigative report.
3. The Resolution Administrator shall determine whether there is:
 - (a) "Cause" to substantiate the allegations of sexual harassment or discrimination has occurred;

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- (b) “No cause but other misconduct has occurred”; or
 - (c) “No cause” to substantiate the allegation of sexual harassment, discrimination, or other misconduct.
4. The EEO Officer shall complete the Complaint Disposition Form (Attachment 2) and forward it to the Chief of Investigations within five (5) working days.
 5. The Management Official shall submit a request for Disciplinary Action or Demotion with supporting documents to the Assistant General Counsel, upon a “cause” determination or a determination that other misconduct has occurred.
 6. The Assistant General Counsel shall review the request for consistency, appropriateness, and sufficiency and then forwards it to the Deputy Secretary or Assistant Secretary for final review and approval.
 7. The General Counsel’s office shall forward copies of approved disciplinary actions to the bureau, circuit, or region for the execution of approved discipline.

D. Closing the Complaint File:

1. The EEO Officer shall notify the complainant and respondent, in writing, of “no cause” determinations.
2. The EEO Officer shall notify only the complainant, in writing, of “cause” or “no cause but other misconduct has occurred” determinations.
3. The EEO Officer shall place a copy of “no cause” to substantiate the allegation of sexual harassment or discrimination or other misconduct letter in the complaint file.
4. The EEO Officer shall officially close the “no cause” complaint file.
5. The EEO Officer shall place a copy of the final disciplinary action in the file where there is a “cause” finding to substantiate the allegations of sexual harassment or discrimination has occurred or a finding of “no cause but other misconduct has occurred”.
6. The EEO Officer shall officially close the complaint files where there was a “cause” or “no cause but other misconduct has occurred”.

III. RESPONSIBILITY AND DUTIES

A. EEO Officer

1. Receives verbal or written statement from complainant alleging discrimination or sexual harassment.
2. Assesses whether the complaint appears to rise to the level of discrimination or sexual harassment.
3. Provides advice to the Assistant Secretary of Jurisdiction or comparable level manager when the complaint appears to rise to the level of discrimination or sexual harassment or potential alternative resolutions to said complaint.

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4. Forwards complaint form to the Chief of Investigations, OIG within two (2) working days of receiving the complaint, when the complaint appears to rise to the level of discrimination or sexual harassment.
5. Receives investigative report from OIG and coordinates a Resolution presentation.
6. Completes the Complaint Disposition Form following determination by Resolution Administrator and forwards it to the Chief of Investigations within five (5) working days.
7. Notifies complainant and respondent as appropriate based on findings of Resolution Administrator.
8. Closes complaint in accordance with findings of Resolution Administrator.

B. Assistant Secretary of Jurisdiction or Comparable Level Manager

1. Receives verbal or written statement from complainant alleging discrimination or sexual harassment.
2. Considers information presented and makes the final determination as to “cause” or “no cause” for the complaint.

C. Resolution Administrator (EEO Officer, Assistant Secretary of Jurisdiction or Comparable Level Manager, assigned Assistant General Counsel, and OIG representative)

1. Reviews and assesses the findings of the investigative report.
2. Reviews discrimination and sexual harassment complaints investigated by the OIG.
3. Makes a determination of “cause”, “no cause but other misconduct has occurred” or “no cause”.

IV. ATTACHMENTS

Attachment 1 - Complaint Form

Attachment 2 - Complaint Disposition Form