

STATE OF VERMONT
AGENCY OF HUMAN SERVICES
DEPARTMENT OF CORRECTIONS

Directive: 118.02

Subject: Reporting and Investigating Unlawful Discrimination-Sexual Harassment-And Retaliation in the Workplace

Effective Date: August 21, 1995

Review and Re-Issue Date:

Supersedes: NEW

APA Rule Number:

1. Authority:

1.1. State of Vermont Personnel Policies and Procedures - Sexual Harassment (effective November 1, 1993); 28 V.S.A. §103.

2. Purpose:

2.1. To provide all Department of Corrections employees and managers with procedures for the reporting and investigation of unlawful discrimination, sexual harassment and retaliation.

3. Applicability/Accessibility

3.1. This Directive applies to Department of Corrections staff and volunteers. Anyone may have a copy of this Directive.

4. Directive

4.1. Any employee who believes (s)he has been the subject of unlawful discrimination, sexual harassment or retaliation shall report the alleged act(s) as soon as possible to anyone of the following:

4.1.1. The immediate supervisor;

4.1.2. Any Department management staff;

4.1.3. Any support coordinator;

4.1.4. The Agency of Human Services Personnel Administrator (241-2787);

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- 4.1.5. Any member of the Department of Personnel Employee Relations staff, 110 State Street, Montpelier, Vermont (828-3454).
- 4.2. For any complaint based upon an actual or perceived disability, the employee may first contact the Agency of Human Services Personnel Administrator (241-2787).
- 4.3. To process a complaint, the following applies:
 - 4.3.1. All complaints received by supervisors, managers or Department of Personnel staff pertaining to unlawful discrimination, sexual harassment, or retaliation will be referred immediately to the Personnel Administrator who will coordinate with the appointing authority to ensure that a timely and complete review of the complaint is made. A report of any investigation will be provided to the appointing authority and the Commissioner of the Vermont Department of Corrections or designee. The appointing authority, after consultation with the Personnel Administrator and the Director of Correctional Services, will identify and take steps to promptly remedy the unlawful discrimination, sexual harassment or retaliation and prevent its recurrence.
 - 4.3.2. The appointing authority shall issue a written response to the complainant acknowledging the complaint and providing notice if applicable, that any prohibited activity is expected to cease (a copy of the response shall be provided to the Personnel Administrator). An investigation will be done promptly and a written response will normally take place within thirty (30) days.
 - 4.3.3. Complainants should be notified that confidentiality can not be guaranteed if a complaint results in a grievance or other litigation of the complainant.
 - 4.3.4. The Department of Personnel and appointing authorities shall ensure that an investigation is conducted when any instance of sexual harassment comes to their attention, even in the absence of a complaint.
 - 4.3.5. If the appointing authority or any member of the agency/department personnel unit is named in the complaint, the complainant or his or her representative ~ bring the complaint to the attention of the Personnel Administrator who shall notify the Secretary of Administration or Commissioner of Personnel to determine the appropriate personnel to be responsible for investigating the charge.
 - 4.3.6. Any intimidation, harassment or interference for filing a complaint or assisting in an investigation and/or intentionally filing a false complaint of_ sexual harassment will be subject to appropriate discipline, up to and including dismissal.
- 4.4. The use of this procedure does not preclude any victim of unlawful discrimination, sexual harassment or retaliation from pursuing any other legal remedy. To explore other remedies, employees may also contact the following:

Equal Employment Opportunity Commission

1 Congress Street

Boston, MA 02114

617-565-3200 (Voice/TDD)

Complaints must be filed within 300 days of the adverse action.

Vermont Human Rights Commission

135 State Street

Montpelier, VT 05633-6301

802-828-2480 (Voice/TDD)

Complaints must be filed within 360 days of the adverse action.

Vermont Attorney General's Office

109 State Street

Montpelier, VT 05609-1001

802-828-3171 (Voice/TDD)

Complaints must be filed within 300 days of adverse action.

Vermont State Employees Assn., Inc.

155 State Street

Montpelier, VT 05601

802-223-5247

5. Training Method

5.1.

6. Quality Assurance Processes

6.1.

7. Financial Impact:

7.1.

8. References

8.1. 21 V. S. A., Chapter 5 (Employment Practices)

9. Responsible Director and Draft Participants