

Beaver County Jail Policy and Procedures

Document #: 1.10b

effective 7/3/2012

Section: Administration, Organization & Management

Chapter: Management

Subject: Sexual Harassment of Inmates by Staff

- I. **Policy:** The Beaver County Jail will have a policy that also protects Inmates from any form of sexual harassment they might encounter from any staff member of this Facility.

It is also unlawful to retaliate or take reprisal, in any way, against anyone who has articulated any concern about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against, the individual raising the concern or against another individual.

Examples of conduct that would be considered sexual harassment or related retaliation are set forth in the Statement of Prohibited Conduct which follows. These examples are provided to illustrate the kind of conduct prescribed by this policy; the list is not exhaustive.

Sexual harassment is unlawful and such prohibited conduct exposes not only the County but individuals involved in such conduct, to significant liability under the law. Employees at all times should treat everyone respectfully and with dignity, in a manner so that as not to offend the sensibilities of your co-worker or those individuals who we are responsible for their care while they are incarcerated. Accordingly the County is committed to vigorously enforcing its' sexual harassment policy at all levels.

- II. **Procedures:**

- III. **General Information:**

- a. **Physical assault of a sexual nature, such as:**

- 1) Rape, sexual battery, molestation or attempt to commit these assaults;

And

- 2) Intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against or poking another person's body .

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b. Unwanted sexual advances, propositions or other sexual comments such as:

- 1) Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience directed at or made in the presence of anyone who indicates or has indicated, in any way, that such conduct in his or her presence is unwelcome;
- 2) Preferential treatment or promise of preferential treatment, to an inmate for submitting to sexual conduct, including soliciting or attempting to solicit any inmate to engage in sexual activity for compensation or reward;
- 3) Subjecting or threats of subjecting an inmate to unwelcome sexual attention or conduct.

c. Sexual or discriminatory displays of publications such as:

- 1) Displaying pictures, posters, calendars, and graffiti, and objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning or pornographic.

d. Retaliation for sexual harassment complaints, such as:

- 1) Disciplining, providing inaccurate information to or refusing to cooperate or discuss related matters, with any inmate, because that person has complained about or resisted harassment, discrimination or retaliation;

And
- 2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct.

e. Other acts:

- 1) The above is not to be construed as an all-inclusive list of prohibited acts under this policy;
Sexual harassment is unlawful and hurts other. Any of the prohibited conduct described here, is sexual harassment of any one at whom it is directed or who is otherwise subjected to it. Each incident of harassment moreover contributes to a general atmosphere in which all persons, who share the victim's sex, suffer the consequences. Sexually oriented acts or sex based conduct have no legitimate business purpose; accordingly the employee who engages in such conduct should be and will be made, to bear the full responsibility for such unlawful conduct.

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PENALTIES FOR MISCONDUCT:

Any employee's commission of acts of sexual harassment or retaliation against a sexual harassment complaint will result in appropriate sanctions, up to and including dismissal against the offending employee, depending upon the nature and severity of the misconduct.

A written record of each action taken, pursuant to this policy will be placed in the offending employee's personnel file. The record will reflect the conduct or alleged conduct and the warning given, or other discipline imposed.

PROCEDURES FOR MAKING, INVESTIGATING AND RESOLVING SEXUAL HARASSMENT AND RETALIATION COMPLAINTS:

a. Complaints:

Complaints of acts of sexual harassment and retaliation that are in violation of the sexual harassment policy will be accepted in writing or orally and anonymous complaints will be taken seriously and investigated. A complaint need not be limited to someone who was the target of harassment or retaliation. Anyone who has observed sexual harassment or retaliation should report it to their immediate supervisor. In the event that it would be inappropriate to report such concerns to one's immediate supervisors, the report may be made to the Warden. In the event a female inmate would prefer to report a concern about sexual discrimination or harassment to another female member of the Facility, a female member of the Administrative staff, is designated as the proper person to receive such communications. Besides those who have an immediate need to know, including the person to whom a report was made, the alleged target of harassment or retaliation, the alleged harasser or retaliator and any witness, will or may find out the identity of the complainant.

An investigation will be conducted by the Warden after he has notified Employee Relations and a Union Rep, since the alleged incidents involves an Officer. The Prison Board will also be aware of the situation, but they will only be given information regarding the Officer involved until the investigation is completed.

If the investigation involves any physical assault or unwanted sexual advances or propositions against the inmate; all Information obtained by the Warden will be turned over to the County Detectives, who will conduct the investigation.

All parties contacted in the course of any investigation, will be advised that all parties involved in the charges are entitled to respect and that any retaliation or reprisal against an individual, who is an alleged target of harassment or retaliation, who

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has made a complaint or who has provided evidence in connection with a complaint, is a separate actionable offense and subject to discipline under this policy.

b. **Cooperation:**

An effective sexual harassment policy requires the support and example of personnel in position of authority. County agents or employees who engage in sexual harassment or retaliation, or fail to cooperate with County sponsored investigations of sexual harassment or retaliation may be severely sanctioned by suspension or dismissal. By the same token, officials who refuse to implement remedial measures obstruct the remedial efforts of other County employees and/or retaliate against sexual harassment complaints or witnesses may be immediately sanctioned by suspension or dismissal.

IV. **Sources:** PA Title 37 Chapter 95.221 (6) & (9), the County of Beaver

V. **Definitions:** *Refer to Glossary*

Warden Schoupe

Refer to Annual Review Page for Revisions & Reviews