



State of Alabama

Alabama Department of Corrections

Research and Planning
P. O. Box 301501
Montgomery, AL 36130-1501

January 27, 2004

ADMINISTRATIVE REGULATION
NUMBER 206

OPR: PERSONNEL

HARASSMENT AND DISCRIMINATION POLICY

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes departmental responsibilities, policies, and complaint procedures for the fair and equitable treatment of all individuals.

II. POLICY

The ADOC:

- A. Strictly prohibits any form of harassment whether based on sex, race, color, religion, national origin, age, sexual orientation, ancestry, or disability.
- B. Strictly prohibits any form of discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment on the basis of sex, race, color, religion, national origin, age, sexual orientation, ancestry, or disability.
- C. Shall swiftly investigate and seek resolution of any complaint made under this regulation.
- D. Strictly prohibits any form of reprisal or retaliation against complainants under this regulation.

III. DEFINITIONS AND ACRONYM(S)

- A. Harassment: Any discriminatory and unwelcome conduct that is based on an individual's race, color, religion, age, sex, national origin, sexual orientation, ancestry, or disability.

- B. Sexual Harassment: Any unwelcome conduct of a sexual nature, including advances, requests for favors, remarks, sounds, gestures, physical contact, and display or circulation of material, that is subjectively or objectively offensive.
- C. Verbal Harassment: Making statements which contain derogatory descriptions or stereotypes based on race, sex, color, national origin, age, sexual orientation, ancestry, or disability.
- D. Physical Harassment: Pushing, shoving, touching, or other intentional acts committed in whole, or in part, because of the employee's race, sex, color, national origin, age, sexual orientation, ancestry, or disability; and the displaying of signs, pictures, cartoons, written statements or other materials that belittle or discriminate against any employee based on one's race, sex, color, national origin, age, sexual orientation, or disability.
- E. Discrimination: Adverse treatment or consideration based on class or category rather than individual merit.
- F. Individual: Employees, contractors, volunteers, vendors, customers, visitors, and other persons involved with the ADOC.
- G. Reprisal/Retaliation: Any punishment, adverse consideration, or undeserved treatment as a result of filing a complaint.
- H. Equal Employment Opportunity (EEO) Officer: An employee designated by the department to review, investigate, and resolve, complaints of harassment and discrimination.

IV. RESPONSIBILITIES

- A. Wardens and Divisional Directors are responsible for ensuring the implementation and adherence to this policy.
- B. ADOC employees and other affected individuals are responsible for reporting incidents of harassment and discrimination as prescribed in the procedures below.
- C. The Equal Employment Opportunity Officer will receive, review, investigate, and seek resolutions to complaints of harassment and discrimination.

V. PROCEDURES

- A. Each Warden and Division Director shall designate a supervisory level employee to serve in an EEO Officer capacity.

- B. Any individual who believes he/she has been harassed or has witnessed harassment, or believes that adverse decisions concerning his/her employment were based on unlawful discrimination, shall:
1. Promptly report the incident to the Institutional/Divisional EEO Officer or supervisor.
 2. In the event the alleged perpetrator is the Institutional/Divisional EEO Officer, the complainant shall report to the Departmental EEO Officer or the ADOC Personnel Division Director.
 3. Any allegations regarding the Departmental EEO Officer or the Personnel Division Director shall be reported to the Commissioner.
 4. If an individual feels that the Commissioner of the ADOC has subjected him/her to unlawful discrimination or harassment, he/she should report these allegations to the Director of the Alabama State Personnel Department.
- C. Under no circumstances shall an individual's complaint of harassment or discrimination be filed with or appealed to the alleged perpetrator.
- D. Reports of complaint, if possible, should be in writing, but may be oral.
- E. The filing and investigation of complaints shall consist of three (3) steps.
1. **Step One:** The complaint should be reported to the Institutional/Divisional EEO Officer or immediate supervisor in Writing outlining the problem.
 - a. Employees must use ADOC Form 206, Harassment and Discrimination Complaint Form.
 - b. The complaint must be submitted within five (5) working days of the occurrence of the incident causing the complaint. In addition to the complaint form, the employee may present written statements or affidavits from witnesses.
 - c. The Institutional/Divisional EEO Officer or the immediate supervisor must respond to the complaint within five (5) working days.
 2. **Step Two:** If the employee is not satisfied with the Institutional/Divisional EEO Officer or immediate supervisor's response, he/she may, within five (5) working days, file an appeal to the Warden or Division Director.

- a. The Step two appeal must be made on ADOC Form 206. A copy of ADOC Form 206 filed at Step One should be attached.
 - b. The Warden or Division Director will, after investigating the complaint, respond to the employee's complaint within seven (7) working days.
- 3. **Step Three:** An employee who is not satisfied with the response at Step Two may appeal to the Departmental EEO Officer or the Personnel Division Director within five (5) working days after receiving the Step Two response.
 - a. The Step Three appeal must be filed an ADOC Form 206. A copy of ADOC Form 206 filed at Step One and Two should be attached.
 - b. The Departmental EEO Officer or the Personnel Division Director will, after review of the complaint, determine whether to meet with the employee to discuss the complaint or determine if further investigation is appropriate.
 - c. Following the meeting/investigation, the Departmental EEO Officer or the Personnel Division Director will submit his/her findings along with a recommendation for solution to the Commissioner within seven (7) working days.
- F. Any employee who desires to file a complaint of discrimination or harassment against an immediate or a higher level supervisor can by-pass Steps One and Two, and file the complaint at Step Three. When using this special complaint procedure, the employee must provide enough information to justify bypassing Steps One and Two.
- G. An applicant or employee, who is dissatisfied with the complaint resolution provided by the Commissioner, or has reason to believe that he/she has been discriminated against because of race, sex, color, gender, national origin, sexual orientation, or disability, within the work force, may appeal the Department's decision directly to the State Personnel Department Director.
- H. The employee or supervisor who receives an oral complaint of harassment or discrimination shall promptly document and forward it to the Institutional/Divisional EEO Officer, Warden, or Division Director.
- I. If the complaint is against the Institutional/Divisional EEO Officer, Warden, or Division Director, the receiving employee or supervisor shall

forward the documentation to the Departmental EEO Officer or the Personnel Division Director.

VI. DISPOSITION

The disposition of forms prescribed by this regulation will be in accordance with the Department's Records Disposition Authority.

VII. FORMS

This regulation implements ADOC Form 206, Harassment and Discrimination Complaint Form.

VIII. SUPERCEDES


This Administrative Regulation supersedes Administrative Regulation 206 dated February 22, 2000, as amended.

IX. PERFORMANCE

This administrative regulation updates policy and procedures concerning harassment and discrimination of employees or otherwise affected individuals and is based on the laws below:

- A. Title VII of the Civil Rights Act of 1964, as amended.
- B. Age Discrimination in Employment Act of 1967, as amended.
- C. Rehabilitation Act of 1973, as amended.
- D. The Americans with Disabilities Act of 1990

ANNEXES:
ADOC Form 206



Donal Campbell, Commissioner

HARASSMENT AND DISCRIMINATION
Complaint Form

Name _____ Date _____

Institution/Division _____ Job Classification _____

Supervisor's Name _____ Section/Shift _____

Nature of complaint _____

Remedy Sought _____

Signature of Complainant

Date Filed	Date Completed
Step 1:	Step 1:
Step 2:	Step 2:
Step 3:	Step 3:

Decision at Step: _____

Signature of Responder

Date

Title

ADOC Form 206
Revision Date: January 2004

