



BOB RILEY  
GOVERNOR

# State of Alabama Alabama Department of Corrections

301 S. Ripley Street  
P. O. Box 301501  
Montgomery, AL 36130



DONAL CAMPBELL  
COMMISSIONER

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**ADMINISTRATIVE REGULATION  
NUMBER 228**

**OPR: PERSONNEL**

## **EMPLOYEE SEXUAL MISCONDUCT AND SEXUAL HARASSMENT**

### **I. GENERAL**

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes responsibilities, policies, and procedures to prohibit sexual misconduct and harassment.

### **II. POLICY**

It is the policy of the ADOC to ensure that sexual misconduct or harassment by any employee is prohibited.

### **III. DEFINITION (S) AND ACRONYM (S)**

- A. Employee: For the purpose of this policy only, an individual with the ADOC in a full-time, part-time, or temporary position in the state's classified or unclassified service. All other persons such as contractors, vendors, and volunteers are also subject to the ADOC's Standards of Conduct and this regulation and failure to adhere to these regulations may result in being removed and/or barred from an ADOC facility.
- B. Sexual Misconduct: Any behavior or act of a sexual nature directed towards any individual by an employee, volunteer, visitor, or agency representative.
- C. Sexual Harassment: Unwelcome or unsolicited sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.
- D. Sexual Contact: The touching of another individual or of the individual's intimate parts and / or clothing covering the individual's intimate parts for the purpose of sexual arousal or gratification.
- E. Sexual Abuse: The subjection of another person to any sexual act or contact between an employee, volunteer, or agency representative by force, persuasion, inducement, or enticement.

#### **IV. RESPONSIBILITIES**

It is the responsibility of all ADOC employees, volunteers, contract employees, and vendors to comply with the contents of this regulation.

#### **V. PROCEDURES**

- A. Employees who experience or witness any form of sexual misconduct or harassment must notify their immediate supervisor, provided that the immediate supervisor is not the offending member.
- B. If the offending staff member is the immediate supervisor or if the immediate supervisor is not available, then the employee must report the sexual misconduct, harassment, or abuse to the next highest ranking official, or in the appropriate cases, the Commissioner and/or designee.
- C. All Wardens, Directors, and Deputy Commissioners shall endeavor to interact with the charging employee in such a manner as to try and remove any fear of restraint, interference, reprisal, or coercion as a result of an employee claiming sexual misconduct or harassment.
- D. Examples of sexual harassment can include, but is not limited to, the following:
  - 1. Demeaning reference to one's gender.
  - 2. Comments about one's body or clothing.
  - 3. Repeated staring, comments, or propositions of a sexual nature.
  - 4. Jokes about sex or gender specific traits.
  - 5. Conversations filled with sexually suggestive innuendoes or double meanings.
  - 6. Display or transmittal of sexual suggestive images, objects, messages, or gestures.
  - 7. Suggestions, requests for, or demands for acts of an intimate nature.
  - 8. Touching or attention of a sexual nature.
  - 9. Physical assault.
  - 10. Request for sex in exchange for favors.

E. Complaints:

1. All complaints will be handled in a timely and confidential manner to:
  - a. Protect the confidentiality of the employee who files the complaint.
  - b. Encourage the reporting of any incident of sexual harassment.
  - c. Protect the reputation of any employee wrongfully charged with sexual harassment.
2. Information concerning a complaint will not be released during the investigation to third parties or to anyone, except as necessary by the ADOC in conducting the investigation.
3. Involved parties are not permitted to discuss the subject outside the investigation while the investigation is ongoing and upon completion.

**VI. DISPOSITION**

There are no forms prescribed by this regulation, therefore disposition procedures are not necessary.

**VII. FORMS**

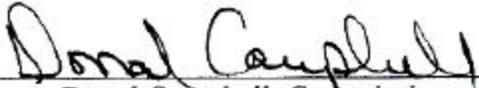
There are no forms prescribed by this regulation.

**VIII. SUPERCEDES**

This being a new regulation, there are no other regulations at this time that will supercede.

**IX. PERFORMANCE**

Code of Alabama, 1975, Section 14-1-1.2

  
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Donal Campbell, Commissioner