

 <p>State of Connecticut Department of Correction</p> <p>ADMINISTRATIVE DIRECTIVE</p>	Directive Number 2.2	Effective Date 12/23/2025	Page 1 of 8
	Supersedes Sexual Harassment, dated 9/15/2008		
Approved By  Commissioner Angel Quiros	Title Sexual Harassment		

1. **Policy.** It is the policy of the Department of Correction to provide its employees with a workplace free of sexual harassment, retaliation, and related misconduct. The Department shall investigate and provide appropriate discipline, remedial measures, and resolution for each complaint and each reported violation of this policy. Any employee who engages in conduct prohibited by this policy shall be subject to discipline, up to and including termination. Any non-employee who violates this policy shall be counseled and may be subjected to loss of benefits including but not limited to loss of visitation rights, cancellation of contract, and denial of right to be on Department property. Some of the provisions of this policy are intentionally more expansive than the prohibitions against sexual harassment provided under state and federal law.
2. **Authority and Reference.**
 - a. United States Code, 42 USC 2000e.
 - b. Code of Federal Regulations, 29 CFR 1604.11.
 - c. Connecticut General Statutes, Sections 1-200 through 1-242, 18-81, 46a-58, 46a-60, 46a-68 and Chapter 14.
 - d. Regulations of Connecticut State Agencies, Sections 46a-68- 31 through 74 inclusive.
 - e. Administrative Directives, 1.10, Investigations, 2.1, Equal Employment Opportunity and Affirmative Action, 2.6, Employee Discipline, and 2.17, Employee Conduct.
3. **Definitions.** For the purposes stated herein, the following definitions apply:
 - a. **Gender Identity.** A person's gender-related identity, appearance or behavior, whether or not that gender-related identity, appearance or behavior is different from that traditionally associated with the person's physiology or assigned sex at birth, which gender-related identity can be shown by providing evidence including, but not limited to, medical history, care, or treatment of the gender-related identity, consistent and uniform assertion of the gender-related identity, or any other evidence that the gender-related identity is sincerely held, part of the person's core identity, and/or not being asserted for an improper purpose.
 - b. **Related Misconduct.** Failure of a supervisor or manager to comply with the requirements for detecting, reporting, and intervening as set forth in this Directive.
 - c. **Retaliation.** Any intimidation, threat, coercion, discrimination or other adverse action against an employee, volunteer, vendor, contractor, or visitor to a department facility because the individual:
 - i. made a written or verbal complaint of sexual harassment, retaliation, related misconduct or generated a report of the same;
 - ii. resisted or opposed any conduct that violates this Directive;
 - iii. refused to participate in or condone any conduct that violates this Directive; or
 - iv. testified at, assisted in, or otherwise participated in any investigation or proceeding concerning sexual harassment.
 - d. **Sexual Harassment.** Any unwelcome sexual advance, request for sexual favors, disparagement, comments, or hazing on the basis of sex, gender, gender identity

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or sexual orientation, or any conduct, that is of a sexual nature or that is addressed to sexual or physical attributes when:

- i. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- ii. Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions involving the individual;
- iii. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment; or
- iv. Such conduct substantially and adversely affects the working conditions of an employee or person providing services as a vendor, volunteer or contractor, or impacts the privileges of any non-inmate at a department facility.
- e. Terms and Conditions of Employment. Working conditions and benefits, including but not limited to assignment, shift, promotional opportunities, training opportunities, treatment, and discipline.

4. General Principles.

- a. Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship and the professionalism and efficiency of the Department.
- b. This policy shall protect both employees and non-employees, including volunteers, vendors, contractors, and visitors.
- c. This policy protects employees from sexual harassment in their employment, regardless of the source of the sexual harassment.
- d. This policy prohibits sexual harassment by employees against other employees and against non-employees at Department facilities.
- e. This policy does not prohibit normal, courteous, respectful, pleasant and non-coercive interactions.
- f. Identification of conduct, as sexual harassment does not depend on the intention or motivation of the actor but on whether such conduct meets the definition of sexual harassment and/or could reasonably be perceived as sexual harassment by the person experiencing it.
- g. Conduct need not be repeated, severe, or pervasive to constitute a violation of this Directive.
- h. Sexual harassment may occur between individuals of any gender or sex and, between individuals of the same gender or sex, as well as those of a different gender or sex.

5. Specific Prohibitions of Sexual Harassment.

Any conduct that constitutes sexual harassment as defined in Section 3 of this Directive is prohibited. The following non-exhaustive list includes examples of specific conduct that constitute sexual harassment that violate this policy:

- a. Unwelcome flirtation or unwelcome touching;
- b. Advances or propositions after an indication that such are unwelcome;
- c. Language or conduct of a sexual nature;
- d. Graphic or sexually suggestive comments about an individual's dress, body, sexual attributes, sexual activities, gender identity, or sexual orientation;
- e. Use of sexually degrading words to describe an individual;
- f. Display in the workplace of sexually suggestive objects, pictures, photographs and/or the sharing of such images via text, social media or other means in the workplace;
- g. Making a comment or starting or spreading a rumor that has the effect of embarrassing, ridiculing, or demeaning an individual on the basis of his or her sex, sexual activities, sexual attributes, gender identity, or sexual orientation;
- h. Making a decision concerning an employee's terms or conditions of employment on the basis of an employee's refusal to submit to, accept, or condone sexual advances or any kind of sexual harassment as defined herein, or threatening or

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insinuating that such refusal will adversely affect an employee's terms and conditions of employment in any way;

- i. Making a decision concerning an employee's terms or conditions of employment or stating or insinuating that any term or condition of employment will be favorably affected by an employee's willingness or appearance of willingness to tolerate sexual advances or other sexual harassment, as defined herein;
- j. Jokes, pranks, vandalism, or banter that tend to denigrate or show hostility toward an individual or group on the basis of gender, gender identity, sexual attributes, or sexual orientation;
- k. Sexual assault;
- l. Exposing one's genitals, buttocks or breasts;
- m. Stalking; or
- n. Unnecessary touching or physical interference with the movements of another person.

6. Specific Prohibitions of Retaliation. Any conduct that constitutes retaliation as defined in Section 3 of this Directive is prohibited. The following specific conduct, when engaged in because the employee has refused to participate in, accept, or condone sexual harassment or because an employee has reported, complained of, or otherwise opposed any violation of this policy, are examples of retaliation that violates this policy. The following is a non-exhaustive list of examples of retaliatory conduct that may also constitute sexual harassment:

- a. Taking any adverse action against an employee with regard to any term or condition of employment;
- b. Subjecting an employee to a hostile work environment in any way, including but not limited to:
 - i. shunning or ostracizing the employee;
 - ii. labeling the employee a "snitch" or a "rat" or calling the employee lewd, disgusting, offensive, or derogatory names;
 - iii. stalking or harassing the employee;
 - iv. making obscene, threatening, or harassing gestures;
 - v. making obscene, threatening, harassing, or hang-up telephone calls;
 - vi. refusing or threatening to refuse to provide back-up support in performing work duties, including responding to or assisting in emergencies;
 - vii. engaging in demeaning gossip, the spreading of rumors or the filing of false reports;
 - viii. circulating or otherwise publicizing private or confidential information about the employee, except as required by directives governing reporting and investigations;
 - ix. tampering with, vandalizing, or interfering with the employee's security equipment, vehicle, or personal belongings;
 - x. denying the employee timely and adequate breaks to attend to bodily functions; or
 - xi. preventing or interfering with an employee from making radio transmissions.
- c. Selectively disciplining the employee or selectively threatening to impose discipline against the employee;
- d. Holding the employee to a higher standard of performance than other co-workers;
- e. Denying the employee training opportunities; favorable transfers, assignments or shifts; or promotions;
- f. Giving the employee unfair or inaccurate performance evaluations;
- g. Telling other employees, with the exception of other managers or supervisors that have a need to know, or inmates that an employee has made a complaint of sexual harassment or identifying an employee as the person who made a complaint of sexual harassment, except as required by directives governing reporting and investigations;

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- h. Refusing to investigate when the employee reports violations of rules, regulations, policies, or directives or refusing to take corrective action when such violations are found to have occurred;
 - i. Taking adverse action toward a person who has participated in or supported the investigation of a complaint of any violation of this Directive or who has refused to participate in a violation of this Directive;
 - j. Transferring the employee involuntarily to different facilities, positions, or shifts; or,
 - k. Subjecting a complainant to discipline for failing to make an immediate report of conduct that violates this Directive.
7. Employee Responsibility. An employee shall not engage in behavior that constitutes sexual harassment, retaliation, or related misconduct. The Department will not tolerate violations of this Directive and strongly encourages victims of sexual harassment to report such harassment as soon as feasible after it occurs. Any employee who witnesses sexual harassment, retaliation, or related misconduct or who becomes aware that an employee has been subjected to sexual harassment, retaliation, or related misconduct should report same to a supervisor, manager, the Unit Administrator, or the Office of Equal Employment Opportunity as soon as feasible and must do so immediately if the conduct jeopardizes the safety or security of personnel or the orderly operation of the facility .
8. Manager or Supervisor Responsibility.
- a. Each manager or supervisor has a responsibility to maintain the workplace free of any form of sexual harassment, retaliation, or related misconduct; to monitor working conditions in order to detect violations of this Directive; and to take prompt action to correct and report any violation through the chain of command.
 - b. Any manager or supervisor who witnesses conduct that violates this Directive or receives a report of conduct that is alleged to violate this Directive shall immediately report such conduct to a higher authority or the Unit Administrator, who shall advise the Equal Employment Opportunity Director of any violation or alleged violation as soon as feasible.
 - c. Failure of a manager or supervisor to take action upon witnessing or receiving a report of sexual harassment or sexual misconduct committed by an employee against another employee, or non-employee, constitutes a violation of this Directive.
9. Filing a Complaint. The Department shall investigate and remedy sexual harassment, retaliation and related misconduct that come to its attention whether or not an employee has made a complaint. The following procedures apply to complaints:
- a. A complaint of sexual harassment, retaliation or related misconduct shall be made within sixty (60) days of the conduct complained of; however, the Equal Employment Opportunity Director has discretion to accept and investigate complaints made after sixty (60) days and shall do so for good cause shown. The Equal Employment Opportunity Director shall accept and investigate such complaints without a showing of good cause for delay if they allege ongoing or continuous misconduct that has continued by the same alleged wrongdoer(s) within the sixty-day period.
 - b. Complaints may be made in the following ways:
 - i. On CN 2101, Affirmative Action Complaint Form. The complainant may attach CN 6604, Incident Report to the complaint form (additional forms and documents are not required);
 - ii. By any other written complaint, letter or report;
 - iii. By telephone; or,
 - iv. In person.
 - c. A complaint of violation of this Directive may be made directly to any of the following in any of the ways listed in Section 9(B) of this Directive:
 - i. Office of Equal Employment Opportunity;

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- ii. Human Resources;
 - iii. Unit Administrator or Director; or,
 - iv. Any manager or supervisor;
 - d. Any of the above recipients of a verbal complaint shall, within five (5) business days, reduce the complaint to writing and submit it to the Equal Employment Opportunity Director, who shall notify the complainant of the need to sign the complaint with or without revisions. In the case of a verbal complaint, the investigation and other obligations, and the time limits set forth, shall not commence, unless and until the written complaint is signed.
 - i. The filing date is the date the complaint is received by the Office of Equal Employment Opportunity. With the exception of incident report packages, the Office of Equal Employment Opportunity shall acknowledge receipt of the complaint through written confirmation to the complainant.
10. Incident Reports. All incident report packages involving potential violations of this Directive should be referred to the Office of Equal Employment Opportunity. Upon receipt, a member of the Office of Equal Employment Opportunity will review and determine whether the conduct appears to fall under its jurisdiction and will be retained for further investigation.
- a. All incident reports received by the Office of Equal Employment Opportunity shall be reviewed and the Office of Equal Employment Opportunity shall advise the referring party as to whether the issues are under the purview of this Directive and will be retained for further investigation. For all other complaints made under Section 9 above, the Office of Equal Employment Opportunity shall acknowledge receipt of the complaint through written confirmation provided to the complainant.
 - b. In addition to making a complaint within the Department, an employee may make a complaint to the Equal Employment Opportunity Commission (EEOC) or the Connecticut Commission of Human Rights and Opportunities (CHRO), that have jurisdiction to investigate and remedy such complaints. The filing of a complaint with the EEOC and/or the CHRO shall not automatically terminate the Department's investigation of a complaint related to the same allegations.
 - i. If a complaint concerns a situation that should have also been the subject of an incident report, but where no such incident report was filed, the individual failing to file the incident report may be subject to counseling, unless the delay was caused by good faith reasons including but not limited to fear of retribution, embarrassment, or other disincentives.
 - ii. Discipline may be imposed if the Commissioner or designee determines that the delay in filing an incident report materially threatened the safety or security of the institution.
11. Investigation Process. For complaints and retained incident report packages, a member of the Office of Equal Employment Opportunity may attempt to facilitate conciliations between the parties if there is an indication that both parties are willing to work together toward a resolution. If no conciliatory agreement is possible, the Office of Equal Employment Opportunity shall continue with the investigatory process as set forth below.
- a. The following procedures apply to the investigation of complaints and retained incident reports that are retained under this Directive:
 - i. The Office of Equal Employment Opportunity shall conduct and complete a fair, objective, comprehensive, and, to the extent possible, confidential investigation into each and every complaint or retained incident report unless it determines after interviewing the complainant and/or based upon the information provided that no further investigation is warranted.
 - ii. At the complainant's request, the investigation can be conducted at a confidential, off-site location.

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- iii. All employees shall cooperate fully and truthfully in any investigation of sexual harassment, retaliation, or related misconduct in accordance with Administrative Directive 2.17, Employee Conduct.
 - iv. The investigation should be completed within ninety (90) days from the date of the filing/receipt of a complaint. However, the time to investigate may be extended by the Equal Employment Opportunity Director for good cause. In the event a complaint is not resolved within ninety (90) days, a letter shall be sent to a complainant reminding the complainant of the right to file with the Commission on Human Rights and Opportunities (CHRO), and the Equal Employment Opportunity Commission and the timeline for doing so.
 - v. The Office of Equal Employment Opportunity shall, for purposes of assessing credibility, determine from its records whether a person claimed to have violated this Directive has been identified in past complaints of conduct violating this Directive and what findings or corrective actions were taken by the Department.
 - vi. In the course of the investigation, the Office of Equal Employment Opportunity shall report to the Department of Emergency Services and Public Protection any conduct reasonably believed to be criminal conduct, regardless of any mitigating or other circumstances.
 - vii. If the Office of Equal Employment Opportunity determines that the issues do not fall under its jurisdiction or (based upon the information provided) no further investigation is warranted, the Office of Equal Employment Opportunity shall notify the complainant in writing of this determination.
 - viii. For those investigations in which a full investigation has been determined to be warranted, upon completion of its investigation, the Office of Equal Employment Opportunity shall prepare a summary of its findings for administrative review.
 - 1. In the event of a determination that there is not sufficient evidence to substantiate a finding of a violation of this Directive, the completed investigation shall be routed to the Commissioner or designee for final review and approval.
 - 2. In the event of a determination that there is sufficient evidence to substantiate a finding of a violation of this Directive, the Office of Equal Employment Opportunity shall route the report of its completed investigation to Labor Relations for a determination of whether a pre-disciplinary hearing should be afforded to the person or persons identified as having engaged in conduct violating this Directive. After this determination, Labor Relations shall follow the routing process for recommendation of level of discipline to the Commissioner or designee, who shall review the findings and make the final decision on any disciplinary actions to be taken.
 - ix. Once an investigation has been completed through the routing process and returned to the Office of Equal Employment Opportunity, any individuals, including the complainant(s) and or subject(s), seeking documentation contained in the Office of Equal Employment Opportunity's file, may request such documentation through the agency's Freedom of Information Office.
 - b. The Office of Equal Employment Opportunity shall notify the complaint and subject(s) of the final determination in writing after the investigation has completed the routing process and been returned to the office.
12. **Disciplinary Action.** Any employee, manager, or supervisor who is found, after investigation, to have (a) engaged in conduct prohibited by this Directive; (b) failed to cooperate fully and truthfully in an investigation; or (c) to have lied or given false testimony during the course of an investigation shall be subject to consequences appropriate to the violation, including discipline up to and including dismissal. A

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person who is the victim of alleged misconduct under this Directive shall not be subject to discipline solely for choosing not to pursue a complaint or because a complaint is not substantiated.

- a. Any manager or supervisor who is found, after investigation, to have (a) engaged in related misconduct as defined in Section 3 (A) of this Directive; (b) been negligent in pursuing appropriate action to enforce this policy; or (c) failed to comply with the obligations this Directive imposes on managers or supervisors, shall be subject to consequences appropriate to the violation, including discipline up to and including dismissal.

13. Remedial Action. Upon a recommendation from the Equal Employment Opportunity Director or pursuant to the Commissioner's own determination, the Commissioner may order appropriate measures to remedy conditions that violate this Directive. Such remedial measures may include steps necessary to protect the complainant, other employees, and supportive witnesses from harassment or retaliation during and after the investigation, including but not limited to: counseling the alleged harasser to refrain from conduct that may be, or may be perceived to be harassing or retaliatory; transferring or placing the alleged harasser on administrative leave if the incident is sufficiently serious to invoke Section 5-240-5a of the Connecticut State Regulations; or offering the complainant, when and where available, a voluntary administrative transfer to another facility or location. Changes to the conditions of a complainant's employment, including but not limited to a voluntary transfer, shall not be implemented unless the complainant agrees, in writing, to any change to the conditions of employment.

14. Appeal. If the complainant disagrees with the findings of the investigation, the complainant may request that the Commissioner or designee review the findings. The complainant shall make such a request in writing to the Commissioner or designee within fifteen (15) calendar days of the notification of finding. The Commissioner or designee shall conduct a review and notify the complainant of the results of the review.

15. Confidentiality. The identities of the parties and the facts and circumstances of a complaint and pending investigation shall, to the extent possible, be kept confidential and shared only on a need-to-know basis or except otherwise authorized by law.

16. File Management. The complaint file, including all information and documents pertinent to the complaint, shall be maintained in the Office of Equal Employment Opportunity.

17. Notification of Complainant's Rights. Upon receipt of a complaint pursuant to section 9 of this directive, the Office of Equal Employment Opportunity shall provide the complainant with written information setting forth:

- a. the complainant's right to file complaints with the EEOC and CHRO and the deadlines and procedures applicable to filing such complaints; and,
- b. the names and telephone numbers of persons and organizations, within and outside of the Department, to contact with questions concerning the complainant's rights and/or the investigation process:
 - i. United States Equal Employment Opportunity Commission (EEOC), John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203.
 - 1. Contact numbers are:
 - a. Telephone. (617) 565-3200
 - b. TTY. (800) 669-6820
 - c. Website. www.eeoc.gov.
 - ii. Connecticut Commission on Human Rights and Opportunities (CHRO), 450 Columbus Blvd., Suite 2, Hartford, CT 06103.
 - 1. Contact numbers are:
 - a. Telephone. (860) 541-3400
 - b. TTY. (860) 541-3459; and (860) 541-3400

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- c. Connecticut Toll Free. 1 (800) 477-5737
- d. Website. www.ct.gov/chro.

iii. CHRO Regions:

1. Capitol Region. 450 Columbus Boulevard, Suite 2, Hartford, CT 06103
 - a. Telephone. (860) 566-7710
 - b. TTY. (860) 566-7710
 - c. Email. CHRO.Capitol@ct.gov
2. Southwest Region. 350 Fairfield, Avenue, Bridgeport, CT 06604.
 - a. Telephone. (203) 579-6246.
 - b. TTY. (203) 579-6246
 - c. Email. CHRO.Southwest@ct.gov
3. West Central Region. 55 West Main Street, Suite 210, Waterbury, CT 06702.
 - a. Telephone. (203) 805-6530.
 - b. TTY. (203) 805-6579
 - c. Email. CHRO.Westcentral@ct.gov
4. Eastern Region. 100 Broadway, City Hall, Norwich, CT 06360.
 - a. Telephone. (860) 886-5703.
 - b. TTY. (860) 866-5707
 - c. Email. CHRO.Eastern@ct.gov

18. Exceptions. Any exceptions to the procedures in this Administrative Directive shall require prior written approval from the Commissioner.