
3-17 Harassment/Sexual Harassment

FSC EFFECTIVE DATE: MAY 22, 2017
FSC SUPERSEDES DATE: OCTOBER 1, 2011;
PCN (01) NOVEMBER 20, 2013; PCN (02) MARCH 19, 2015

FACILITY:
FACILITY SUPERSEDES DATE:
FACILITY EFFECTIVE DATE:

POLICY:

CoreCivic is committed to providing a work environment free from discrimination, harassment and retaliation due to race, color, religious creed, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, genetic information, gender identity, gender expression, sexual orientation, marital status, or military and veteran status. **(4-4056; 4-ALDF-7E-01)**

AUTHORITY:

CoreCivic Company Policy

DEFINITIONS:

Human Resources (HR) Representative – Location-specific human resource designee (i.e. Facility HR Manager, FSC HR Specialist) responsible for actions required by this policy.

Harassment - Behavior that is unwanted, offensive, annoying, irritating, persecutory, or that makes another person uncomfortable. Harassment includes verbal conduct (e.g., epithets, derogatory comments or slurs), physical conduct (e.g., assault, impeding or blocking movement, or any physical interference with normal work environment), visual conduct (e.g., derogatory posters, cartoons, or drawings), or sexual conduct (e.g., unwanted sexual advances, conditioning an employment benefit upon an exchange of sexual favors).

Sexual Harassment - Sexual Harassment means harassment based on sex or of a sexual nature and it includes gender harassment and harassment based on pregnancy, childbirth, or related medical conditions. An employer may be liable for sexual harassment even when the harassing conduct was not motivated by sexual desire. A person alleging sexual harassment is not required to sustain a loss of tangible job benefits in order to establish harassment.

Sexually harassing conduct may be either “quid pro quo” (Latin for “this for that”) or hostile work environment sexual harassment.

“Quid pro quo” sexual harassment is characterized by explicit or implicit conditioning of a job or promotion on an individual’s submission to sexual advances or other conduct based on sex.

Hostile work environment sexual harassment occurs when unwelcome comments or conduct based on sex unreasonably interfere with an individual’s work performance or create an intimidating, hostile, or offensive work environment.

In all cases (Harassment or Sexual Harassment), the harassment must be severe or pervasive such that it alters the conditions of the victim’s employment and creates an abusive working environment. A single unwelcome act of harassment may be sufficiently severe so as to create an unlawful hostile work environment. To be unlawful, the harassment must be both subjectively and objectively offensive.

Conduct may be sexual harassment even though the offensive conduct has not been directed at the person alleging sexual harassment, regardless of the sex, gender, gender identity, gender expression, or sexual orientation of the perpetrator.

Retaliation – Retaliation includes any materially adverse employment action taken against an employee because he or she opposed or complained about harassment, cooperated in an investigation of a harassment complaint, or has a close personal relationship with a person who opposed or complained about harassment or cooperated in an investigation of a harassment complaint. Adverse employment actions include discipline, denial of a promotion, or denial of a pay raise.

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PROCEDURES:

A. HARASSMENT AND SEXUAL HARASSMENT

- A1. CoreCivic prohibits harassment of its employees, contractors, third-party vendors, interns or volunteers, and job applicants on the basis of their race, color, religious creed, sex, national origin, ancestry, age, physical disability, mental disability, medical condition, genetic information, gender identity, gender expression, sexual orientation, marital status or military and veteran status, or any other protected classification under federal, state, or local law. **(4-4056)**
- A2. CoreCivic prohibits supervisors, managers, coworkers, and third parties from engaging in conduct prohibited by this policy and applicable law.
- A3. Harassing conduct may be a violation of this policy even if it does not violate state or federal law.
- A4. Among other things, no CoreCivic employee, contractor, or third-party vendor may threaten or insinuate that another person's submission to or rejection of sexual advances will in any way influence any personnel decision regarding employment, evaluation, wages, advancement, assigned duties, shifts, or any other condition of employment or career development ("quid pro quo" harassment). **(4-4056)**
- A5. Further, no CoreCivic employee, contractor, third-party vendor, or volunteer shall engage in verbal or physical conduct of a sexual nature that creates an intimidating, hostile, or offensive work environment. Employees shall not view pornography in the workplace other than for work-related purposes, discuss sexual conduct or tell sexual jokes, or engage in physical conduct of a sexual nature in the workplace ("hostile work environment" harassment). **(4-4056)**

B. RETALIATION

CoreCivic will not tolerate retaliation against any employee, contractor, third-party vendor, intern or volunteer, or job applicant who complains of or opposes harassment or cooperates in an investigation of a harassment complaint, or who has a close personal relationship with a person who complains of or opposes harassment or cooperates in an investigation of a harassment complaint.

C. REPORTING A VIOLATION

- C1. Employee Responsibilities
- C1a. CoreCivic strongly encourages and expects any employee, contractor, third-party vendor, intern or volunteer, or job applicant who believes he or she is or has been a victim of harassment, sexual harassment, or retaliation, or who becomes aware that another employee, contractor, third-party vendor, intern or volunteer, or job applicant has been a victim of harassment, sexual harassment, or retaliation, to report the circumstances in one or more of the following ways:
 - C1a1. At facilities:
 - Report verbally or in writing to their supervisor, any other supervisor with whom the employee feels comfortable, the Warden/Administrator, or the Human Resource (HR) Representative;
 - Call the CoreCivic Ethics Line at 1-800-461-9330 or corecivic.com/ethicsline; or
 - Follow the Employee Grievance Procedures outlined in CoreCivic Policy 3-6-1.
 - C1a2. At Facility Support Center (FSC):
 - Report verbally or in writing to their supervisor, any other supervisor with whom the employee feels comfortable, or the HR Representative;
 - Call the CoreCivic Ethics Line at 1-800-461-9330 corecivic.com/ethicsline; or
 - Follow the Employee Grievance Procedure outlined in CoreCivic Policy 3-6-1.

NOTE: Employees are not required to follow their regular chain of command in making reports of harassment, sexual harassment, or retaliation.

- C1b. Reports of alleged harassment, discrimination or retaliation will be escalated to the FSC Legal Department in accordance with CoreCivic Policy 1-24 Internal Investigations, and will be subject to a fair, prompt, thorough, and impartial investigation that provides all parties involved appropriate due process and reaches reasonable conclusions based on the evidence collected. The reporting employee will be informed in writing of the results of the investigation in a timely manner.
- C1c. If CoreCivic determines that conduct in violation of this policy has occurred, appropriate relief for the reporting employee and appropriate disciplinary action against the wrongdoer(s), up to and including termination, will follow. **(4-4056)**
- C1d. CoreCivic understands that these matters can be extremely sensitive. To the extent that it is possible to do so without compromising CoreCivic's duty to investigate, CoreCivic will keep confidential all employee reports and all related communications, such as interviews and witness statements.
- C2. Supervisor/Department Head Reporting
 - C2a. Any supervisor or department head who becomes aware of conduct that may constitute harassment, sexual harassment, or retaliation must immediately report such conduct to the Warden/Facility Administrator or HR Representative (for facility employees) or to the HR Representative (for FSC employees). Any such report will be escalated to the FSC Legal Department according to CoreCivic Policy 1-24 (Appendix 1-24AA). **(4-4056)**
 - C2b. Failure to comply with or enforce this policy may result in disciplinary action. **(4-4056)**
- C3. No one who in good faith reports an incident of harassment, sexual harassment, or retaliation, or who participates in an investigation of harassment, sexual harassment, or retaliation, will be retaliated against in any way. If, however, CoreCivic concludes that an employee has knowingly and/or maliciously made a false report, the reporting employee will be subject to discipline, up to and including termination.

D. COMMUNICATION OF PROCEDURES

- D1. Employees
 - D1a. This policy will be available to all employees through normal means of policy communication (i.e. policy manuals, company intranet). **(4-4056; 4-ALDF-7E-01)**
 - D1b. All employees will be required to complete the 3-17A Harassment/Sexual Harassment Acknowledgment form confirming they have received and read this policy at the time of hiring, each time the policy is revised, and at least annually thereafter.
 - D1c. Completed 3-17A Harassment/Sexual Harassment Acknowledgment forms must be sent to the HR Representative. The forms will be maintained in each employee's personnel file in accordance with CoreCivic Policy 3-9 Personnel Records.
- D2. Contractors
 - D2a. CoreCivic vendors, suppliers, customers, volunteers, and any other third party who regularly performs services on CoreCivic premises will be required to complete the 3-17A Harassment/Sexual Harassment Acknowledgment form confirming they have received and read this policy at the time they are engaged by CoreCivic, each time the policy is revised, and at least annually thereafter. CoreCivic
 - D2b. The completed 3-17A Harassment/Sexual Harassment Acknowledgment form will be sent to:
 - D2b1. Facility: Business or Human Resource Office (as applicable); or
 - D2b2. FSC: Office Manager.
- D3. All records will be maintained in accordance with the retention periods outlined in CoreCivic Policy 1-15 Retention of Records

E. TRAINING

All new full-time/part-time professional and support employees will receive training on harassment/sexual harassment in accordance with CoreCivic Policy 4-1 Staff Development and Training. All supervisors will receive training on harassment/sexual harassment within six months of their assumption of a supervisory position and thereafter once every two years.

REVIEW:

This policy will be reviewed by the Executive Vice President, Human Resources or qualified designee on an annual basis. **(4-ALDF-7E-01)**

APPLICABILITY:

All CoreCivic employees, CoreCivic Vendors, Suppliers, Customers, Volunteers, and any other third party regularly on CoreCivic Premises.

APPENDICES:

None

ATTACHMENTS:

3-17A Harassment/Sexual Harassment Acknowledgement

REFERENCES:

CoreCivic Policy 1-15

CoreCivic Policy 3-6-1

CoreCivic Policy 3-9

CoreCivic Policy 1-24

CoreCivic Policy 4-1

Title VII of 1964 Civil Rights Act 42 USCA sec. 2000 (c-1 et seq.) as amended; 29 Code of Federal Regulations Section 1604.11.

American Correctional Association (ACA) Standards:

4-4056

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