

San Francisco Juvenile Probation Department

Anti-Harassment Policy for Youth

I. POLICY

It is the policy of the San Francisco Juvenile Probation Department ("Department"), in accord with state and federal laws, that each youth under the jurisdiction of the Department has the right to an environment free of harassment and discrimination. It is also the policy of the City and County of San Francisco ("CCSF") and the Department, in accord with state and federal laws, that each City employee, contractor, and volunteer has the right to work in an environment free of harassment and discrimination. Harassment and discrimination are strictly prohibited and will not be tolerated at the Department. The Department will take all reasonable steps within its control to provide an environment in which all individuals are treated with respect and dignity.

It is the policy of the Department to prohibit all forms of unlawful harassment of or by youth, employees, contractors, volunteers, and CCSF agency staff, including sexual harassment and harassment based on race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, acquired immune deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, height, weight, or any other characteristic protected, now or in the future, by state or federal laws, or by the San Francisco Charter or local ordinances.

Retaliation against an individual who files a complaint of harassment or participates in an investigation of such a complaint is strictly prohibited.

The Department shall ensure that all youth, employees, contractors, volunteers, and CCSF agency staff receive notice of this policy.

II. DEFINITIONS

The following definitions are for purposes of this policy.

CCSF: The City and County of San Francisco, including its departments, commissions, agencies, boards, predecessors, successors, subsidiaries, related entities, directors, commissioners, agents, employees and assigns.

Department: The CCSF Juvenile Probation Department.

Employee: Any person who is employed directly by CCSF at the Department, excluding contractors, volunteers, and CCSF agency staff, as defined below.

Contractor: Any person who is employed directly by a non-CCSF agency that has a contract or Memorandum of Understanding with the Department.

Volunteer: Any person who provides services free of charge to the Department. The volunteer may provide these services through a division of the Department or through a community-based agency that contracts or collaborates with the Department.

CCSF agency staff: Any person who is employed directly by CCSF at a CCSF agency or department other than the Juvenile Probation Department, who works directly with youth under the jurisdiction of the Juvenile Probation Department.

Youth: Any person committed to the custody and care of the Department, including detainees at Juvenile Hall and Log Cabin Ranch, and any person who is subject to supervision by the Department and the Department's contract agencies, volunteers, or CCSF agencies.

Chief Probation Officer: The Chief Probation Officer of the San Francisco Juvenile Probation Department is responsible for the implementation and enforcement of this policy. He or she may choose to assign the role of the Chief Probation Officer in this policy to another senior staff member. For this reason, "Chief Probation Officer" shall refer to the Chief Probation Officer and/or his/her designee for the role of the Chief Probation Officer as specified in this policy, if such a designee is assigned.

Gender Identity: A person's actual or perceived identity, expression, or physical characteristics, whether or not traditionally associated with the person's biological sex or sex assigned at birth.

Harassment: Unwelcome, offensive or intimidating behavior on account of an individual's (or group of individuals') membership in a protected category, as defined below. Unlawful harassment may take many forms including but not limited to:

VERBAL CONDUCT that is directed at an individual (or group of individuals) because of his or her (their) membership in a protected category. Examples include, but are not limited to, epithets, derogatory comments, unwelcome jokes or stories, slurs, unwelcome verbal advances or invitations, requests for sexual favors, or harassing phone calls.

VISUAL CONDUCT that is directed at an individual (or group of individuals) because of his or her (their) membership in a protected category. Examples include, but are not limited to, derogatory or offensive

posters, cartoons, bulletins, drawings, photographs, magazines, written articles or stories, screen savers, or electronic mail transmissions.

PHYSICAL CONDUCT that is directed at an individual (or group of individuals) because of his or her (their) membership in a protected category. Examples include, but are not limited to, touching, patting, pinching, grabbing, staring, leering, lewd gestures, invading personal space, assault, blocking normal movement, or other physical interference.

Protected Categories: Race, color, religion, creed, sex, national origin, ethnicity, age, disability or medical condition, acquired immune deficiency (AIDS/HIV) or AIDS related conditions, political affiliation, sexual orientation, ancestry, marital or domestic partner status, gender identity, parental status, height, weight, or any other characteristic protected, now or in the future, by state or federal laws, or by the San Francisco Charter or local ordinances.

Retaliation: Any adverse action taken against a person for filing a complaint of harassment, reporting a complaint of harassment, or participating in or cooperating with an investigation of a complaint of harassment.

In the case of a youth, adverse actions may include, but are not limited to, knowingly placing a youth in a situation that jeopardizes the youth's safety, denying privileges without justification, imposing unwarranted discipline, making an unwarranted transfer recommendation, ignoring or ostracizing the youth, or spreading rumors or innuendoes about the youth, or threatening any of the above conduct.

In the case of an employee, contractor, volunteer, or CCSF agency staff, adverse action may include, but are not limited to, transferring or reassigning the individual against his or her will; changing work assignments without a valid, work-related reason; sabotaging tools, materials or work; withholding work-related information; ignoring or ostracizing the individual; spreading rumors or innuendoes about the individual, or threatening any of the above conduct.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature or directed at an individual because of his or her sex. Harassment of a youth includes, but is not limited to, the following situations:

- When submission to such conduct is made either explicitly or implicitly a term or condition of a youth's safety and well-being, rehabilitation, or educational status or progress;
- When submission to or rejection of such conduct is used as part of the basis for decisions affecting that youth;

- When the conduct substantially interferes with or will substantially interfere with a youth's opportunities, performance, or physical or psychological well-being; or
- When the conduct creates an intimidating, hostile or offensive environment.

III. PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT MADE BY EMPLOYEES AND CCSF AGENCY STAFF

This Policy shall not apply to complaints made by employees or CCSF agency staff against other employees or CCSF agency staff. Such complaints shall be governed by the San Francisco Charter, Civil Service Commission Rules, CCSF's policies and procedures, and, when applicable, the Department's policies and procedures.

An employee or CCSF agency staff member who legitimately and reasonably believes that a youth, contractor or volunteer has harassed the employee or CCSF agency staff member based on a protected category may make a complaint under this policy by reporting that conduct to the Division Director. For complaints relating to Juvenile Hall or Log Cabin Ranch, when the Division Director is off-duty, the report shall be made to the Officer of the Day. The Division Director or Officer of the Day shall promptly, and in no case later than 24 hours after receiving the report from the employee or CCSF agency staff member, forward the complaint to the Chief Probation Officer or his/her designee ("Chief Probation Officer" shall refer to the Chief Probation Officer and/or his/her designee for the purposes of this policy). The Chief Probation Officer shall process the complaint consistent with the timeframes and procedures described below in section V.B. The assigned investigator shall conduct and complete the investigation of the complaint consistent with the timeframes and procedures described below in section V.C. The Chief Probation Officer shall issue a determination on the complaint, and take any appropriate action, consistent with the timeframes and procedures described below in sections V.D and V.F.

IV. PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT MADE BY CONTRACTORS OR VOLUNTEERS

A contractor or volunteer who legitimately and reasonably believes that a youth, employee, contractor, volunteer, or CCSF agency staff member has harassed that contractor or volunteer based on a protected category may make a complaint under this policy by reporting that conduct to the Division Director. For complaints relating to Juvenile Hall or Log Cabin Ranch, when the Division Director is off-duty, the report shall be made to the Officer of the Day. The Division Director or Officer of the Day shall promptly, and in no case later than 24 hours after receiving the report from the employee, forward the complaint to the Chief Probation Officer. The Chief Probation Officer shall process the complaint

consistent with the timeframes and procedures described below in section V.B. The assigned investigator shall conduct and complete the investigation of the complaint consistent with the timeframes and procedures described below in section V.C. The Chief Probation Officer shall issue a determination on the complaint, and take any appropriate action, consistent with the timeframes and procedures described below in sections V.D and V.F.

V. PROCEDURES FOR HANDLING COMPLAINTS OF HARASSMENT MADE BY YOUTH

A. REPORTING COMPLAINTS

1. Youth. It is the policy of the Department to encourage any youth to report when the youth (1) legitimately and reasonably believes that he or she has been subjected to harassment based on a protected category (see the definition section above), or (2) has first-hand knowledge of what he or she legitimately and reasonably believes to be harassment of another youth.

To encourage reporting and to protect youth who make a report of harassment, the Department strictly prohibits retaliation (see definition section above) against any youth reporting harassment under this policy.

Youth may report a complaint of harassment in three ways: a) to the Ombudsperson; b) to the Equity Coordinator(s); and/or c) any employee. Youth may report harassment through one or more of these methods.

a) To the Ombudsperson. Any youth may file a complaint concerning harassment of that or another youth based on a protected category with the Ombudsperson, either (1) via the Ombudsperson's grievance box on the residential unit(s), or (2) orally or in writing directly to the Ombudsperson.

The Ombudsperson shall promptly evaluate the complaint to assess whether it is related to harassment based on a protected category. If the Ombudsperson determines that the complaint is related to harassment based on a protected category, or if the Ombudsperson is unsure whether the complaint is based on a protected category, he or she shall promptly, and in no case later than 24 hours after receiving the complaint from the youth, forward the complaint to the Chief Probation Officer. If the Ombudsperson determines that the complaint is not related to harassment based on a protected category, the Ombudsperson will process the complaint as a regular grievance. (See separate Ombudsperson's grievance process.)

b) To the Equity Coordinator(s). The Chief Probation Officer shall designate at least one individual as an Equity Coordinator to receive

complaints of harassment. The Department shall prominently post the name, business mailing address, and business telephone number of its Equity Coordinator(s). Any youth may make a complaint concerning harassment of that or another youth based on a protected category, verbally or in writing, with the Equity Coordinator(s). The Equity Coordinator(s) shall promptly, and in no case later than 24 hours after receiving the complaint from the youth, forward the complaint to the Chief Probation Officer.

c) To an Employee. Any youth may make a complaint of harassment of that or another youth based on a protected category, verbally or in writing, to any Department employee. An employee who receives such a complaint must promptly, and in no case later than 24 hours after receiving the complaint from the youth, report the complaint to the Division Director. For complaints relating to Juvenile Hall or Log Cabin Ranch, when the Division Director is off-duty, the report shall be made to the Officer of the Day. The Division Director or Officer of the Day shall forward the complaint to the Chief Probation Officer promptly, and in no case later than 24 hours after receiving the complaint from the employee.

2. Employees, Contractors, Volunteers, and CCSF agency staff. Any employee, contractor, volunteer or CCSF agency staff who witnesses harassment of a youth shall promptly, and in no case later than 24 hours after witnessing the harassing conduct, report that conduct to the Division Director, or, in the absence of the Division Director, to the Officer of the Day. The Division Director or Officer of the Day shall promptly, and in no case later than 24 hours after receiving the report from the employee, forward the complaint to the Chief Probation Officer.

3. Mandatory Reporting of Suspected Child Abuse. Under certain circumstances, alleged harassment may constitute child abuse under state law. Employees, contractors, volunteers, and CCSF agency staff must remain aware of their statutory obligation to report suspected abuse, when applicable. See California Penal Code sections 11165 et al.; California Family Code sections 3020 et al.

4. Privacy. The Department will keep complaints of harassment confidential to the extent possible given the need to investigate, act on investigative results, and monitor and compile reports about complaints made under this policy. Complaints made under this policy shall be kept separate from any other individual files maintained on youth.

B. RESPONSE TO COMPLAINT

1. Immediate Action. Upon learning the details of the complaint, if the Division Director, Officer of the Day at Juvenile Hall or Log Cabin Ranch, or the Chief

Probation Officer determine that the conduct alleged in the complaint is egregious or poses a threat of further potential misconduct, he or she shall take immediate action to separate the complainant(s) and the subject(s) of the complaint to the greatest degree possible consistent with practical considerations of managing the facility in question.

2. Chief Probation Officer. The Chief Probation Officer is responsible for receiving verbal and written reports that of harassment under this policy, via the Ombudsperson, the Equity Coordinator(s), and/or the Division Director or Officer of the Day. The Chief Probation Officer may request, but may not insist, that a complainant submit his or her complaint of harassment in writing.

Within 24 hours of receiving a complaint of harassment under this policy, the Chief Probation Officer shall assign either an Equity Coordinator or another designee of the Chief Probation Officer's choosing to investigate the complaint. If the complaint concerns alleged harassment by a Peace Officer employee, the Chief Probation Officer shall assign an investigator who is qualified to conduct an investigation consistent with the Peace Officer's Bill of Rights. The Chief Probation Officer shall not assign an investigator who is either the subject of or an actual or potential witness to the harassment alleged in the complaint.

Also within 24 hours of receipt of a complaint of harassment under this policy, the Chief Probation Officer shall forward the complaint to the assigned investigator. The 30-day timeline for investigation (listed in section V.C.3 below) starts the day that the assigned investigator receives the complaint from the Chief Probation Officer.

If the complaint of harassment involves alleged harassment by an employee or CCSF agency staff, the Chief Probation Officer shall notify CCSF's Department of Human Resources (DHR) of the complaint within 24 hours of receiving the complaint. This notice shall be made to the same DHR staff member who receives notice from the Department of employee-to-employee harassment complaints.

If the Chief Probation Officer is unavailable due to vacation or other absence, the Acting Chief Probation Officer or the Chief Probation Officer's designee shall fulfill the role of the Chief Probation Officer under this policy. The Chief Probation Officer shall assign a trained individual to fulfill the Chief Probation Officer's role during any absence.

C. INVESTIGATION

1. Beginning the Investigation. The assigned investigator shall begin the investigation promptly upon receiving the complaint from the Chief Probation Officer.

2. How. The assigned investigator shall meet with and notify each of the parties as follows:

a) Complainant (Youth, Employee, Contractor, Volunteer, or CCSF Agency Staff). The investigator shall meet with and interview the complainant within three (3) calendar days of receiving the complaint from the Chief Probation Officer, or as soon as possible if the complainant is absent or otherwise unavailable. In this first meeting, the investigator shall notify the complainant of the privacy and retaliation provisions of this policy. Under the privacy provision, the Department will keep the complaint private to the extent possible given the need to investigate the complaint, act on investigative results, and monitor and compile reports about complaints made under this policy. The retaliation provision of this policy strictly prohibits retaliation against an individual for making a complaint or participating in the investigation of a complaint. The investigator shall advise the complainant to report any suspected retaliation, which the Department will handle promptly as another complaint.

The investigator shall meet with the complainant a second time, within five (5) calendar days of receiving the complaint from the Chief Probation Officer, or as soon as possible if the complainant is absent or otherwise unavailable. In this second meeting, the investigator shall inquire about the complaint's well-being and inquire about whether the complainant believes that he or she has suffered any retaliatory acts. The investigator shall also report whether the investigation is ongoing or has been completed.

Any youth who is interviewed as the complainant in an investigation under this policy has the right to bring a witness or advocate, either from within or outside the custody and control of the Department, to any investigative interview and/or meeting.

b) Subject of Complaint (Youth, Employee, Contractor, Volunteer, or CCSF Agency Staff). The investigator shall meet with the subject(s) of the complaint within three (3) calendar days of receiving the complaint from the Chief Probation Officer, or as soon as possible if the subject is absent or otherwise unavailable. In that meeting, the investigator shall notify the subject that he or she is under investigation, advise the subject of the retaliation provision of this policy, and notify the subject that he or she must not engage in any retaliatory conduct. The investigator shall also notify the subject that although an investigation is underway, the investigator has not made any determination or conclusion on the complaint.

If the subject of the complaint is an employee, contractor, volunteer, or CCSF agency staff, the investigator shall provide to the subject a written notice of the Department's no retaliation policy. The subject shall sign that written notice.

Any youth who is interviewed as the subject in an investigation under this policy has the right to bring a witness or advocate, either from within or outside the custody and control of the Department, to any investigative interview and/or meeting.

c) Other Witnesses and Investigative Methods. The investigator shall interview the individuals involved, witnesses, and any other persons who may have knowledge of the circumstances giving rise to the complaint. The investigator may use other methods and documentation necessary to uncover the facts and circumstances surrounding the conduct at issue in the complaint. In determining the facts surrounding a complaint, the investigator shall consider, among other things: the nature of the alleged behavior; how often the conduct allegedly occurred; whether there were alleged or confirmed past incidents or alleged or confirmed continuing patterns of behavior; and the relationship of the parties involved. The investigator will comply with the Peace Officer Bill of Rights when investigating or interviewing Peace Officers.

3. Concluding the Investigation. The investigator shall complete the investigation, including a written investigative report, as soon as practicable, but in no event later than thirty (30) calendar days after receiving the complaint from the Chief Probation Officer. If exceptional circumstances warrant more time, by no later than thirty (30) days from the date the investigator received the complaint, the investigator shall provide a status report to the Chief Probation Officer and shall request additional time. The Chief Probation Officer shall decide whether to grant additional time, and, if so, shall determine the appropriate additional time necessary, bearing in mind the need to complete all investigations in a reasonable, diligent and timely manner. The Chief Probation Officer also shall advise the complainant of the status of the investigation, even if the complainant has left the Department's facilities.

4. Result. After completing the investigation, the investigator shall determine the facts of the case, including who did what, who said what, and who intended what, based on the investigation, and shall provide the evidence supporting these facts to the Chief Probation Officer in a written investigative report.

D. DETERMINATION

Within 10 calendar days of the date of receipt of the investigative report, the Chief Probation Officer shall make his or her determination on whether a violation of this policy occurred, whether a violation of another Departmental policy occurred, or whether no violation occurred. If the Chief Probation Officer finds that violation did occur, he or she will take appropriate action consistent with the remedial and disciplinary action provision of this policy (see section F below).

E. NOTIFICATION

Within two business days of making a determination on whether there has been any violation of this or another Departmental policy, the Chief Probation Officer shall advise the complainant of this determination and whether appropriate action has been or will be taken for any violations.

Monthly, the Chief Probation Officer shall provide to the Juvenile Justice Commission a copy of any complaints made, and a report that reveals no confidential information, but summarizes for a particular month (1) complaints made, (2) pending investigations, (3) whether the Chief Probation Officer has determined that there was a violation of this or another Department policy, and (4) whether appropriate action has been or will be taken for any violations.

If the complaint of harassment involves alleged harassment by an employee or CCSF agency staff, the Chief Probation Officer shall notify DHR that an investigation has been completed, whether the complaint was sustained, and whether appropriate action has been or will be taken. This notice shall be made to the same DHR staff member who receives notice from the Department of employee-to-employee harassment complaints.

F. REMEDIAL AND DISCIPLINARY ACTION

The Department shall take remedial or disciplinary action as appropriate to ensure that harassment does not occur. All remedial and disciplinary action shall comply with applicable state and federal laws, the San Francisco Charter and local ordinances, collective bargaining agreements, and, where applicable, the Department's policies and procedures. The Chief Probation Officer shall establish a remedial and disciplinary structure consistent with this policy.

Any youth, employee, contractor, volunteer, or CCSF agency staff may be subject to remedial or disciplinary action for engaging in conduct that does not meet the definition of harassment under federal and state law, but that if repeated or allowed to continue, might meet that definition.

1. Youth. If the Chief Probation Officer determines that a youth violated this policy, the Chief Probation Officer shall take appropriate remedial or disciplinary action that may include, but is not limited to, counseling, awareness training, warning, transfer, or other actions consistent with the actions specified in the Juvenile Hall Policies and Procedures Manual. The emphasis of such action should be on rehabilitation.

2. Employees. If the Chief Probation Officer determines that an employee has violated this policy, the Chief Probation Officer shall take appropriate remedial or disciplinary action, including counseling, training, or disciplinary action including but not limited to: written reprimand; suspension; or termination.

3. Contractors. If the Chief Probation Officer determines that a contractor has violated this policy, the Chief Probation Officer shall promptly notify the contract agency. The contract agency shall be responsible for taking appropriate remedial or disciplinary action involving their employees. If the same contract agency staff member or the same contract agency is involved in repeated violations of this policy, the Department reserves the right to ban that contract agency staff member from working with youth under the jurisdiction of the Department and/or to terminate the contract with that agency.

4. Volunteers. If the Chief Probation Officer determines that a volunteer has violated this policy, the Chief Probation Officer shall take appropriate remedial or disciplinary action, including counseling, training, or disciplinary action including but not limited to: written reprimand; suspension; or termination.

5. CCSF Agency Staff. If the Chief Probation Officer determines that a CCSF agency staff member has violated this policy, the Chief Probation Officer shall promptly notify the appropriate CCSF agency. The CCSF agency shall be responsible for taking appropriate remedial or disciplinary action involving their employees. If the same CCSF agency staff member is involved in repeated violations of this policy, the Department reserves the right to ban that CCSF agency staff member from working with youth under the jurisdiction of the Department.

G. REQUESTS FOR RECONSIDERATION AND APPEALS

To facilitate the delivery of requests for reconsideration and appeals, the Department shall prominently post the name and business mailing address of the Chief Probation Officer.

1. Requests for Reconsideration.

If the Chief Probation Officer determines, after reviewing an investigative report, that no violation of this policy occurred, the complainant may submit a written request for reconsideration to the Chief Probation Officer within ten (10) calendar days of the date of the notice from the Chief Probation Officer stating his or her determination on the complaint. The request for reconsideration shall state all reasons that the complainant believes the determination is incorrect and should be reconsidered, and may include any evidence to support the request for reconsideration.

Youth complainants may submit a written request for reconsideration via the Ombudsperson's grievance box in the residential unit(s) or by mailing or delivering the appeal to the office of the Chief Probation Officer. The Ombudsperson shall promptly, and in no cases later than 24 hours after receiving the request for reconsideration, submit the request to the Chief Probation Officer.

Employee, contractor, volunteer and CCSF agency staff complainants may submit the written request for reconsideration by mailing or delivering the request to the office of the Chief Probation Officer.

The Chief Probation Officer is not required to conduct any meeting or hearing on a request for reconsideration. The Chief Probation Officer generally will decide all such requests only on the written submissions. The Chief Probation Officer, at his or her sole discretion, may elect to conduct a meeting or hearing on the request for reconsideration if warranted under the circumstances.

The Chief Probation Officer shall make a written decision on any request for reconsideration within ten (10) calendar days of the date that the Chief Probation Officer receives the request. The Chief Probation Officer shall forward a written decision of whether the request for reconsideration was granted or denied to the complainant and to the Juvenile Justice Commission within two (2) calendar days of the date the Chief Probation Officer issues the decision. The Chief Probation Officer's written decision shall notify the complainant in writing that he or she has exhausted all administrative remedies under this policy. The notice of the Chief Probation Officer's decision shall further notify youth complainants that if the youth believes that his or her civil rights have been violated or are in jeopardy, he or she may file a lawsuit in state or federal court.

2. Appeals.

a) Youth. A youth may appeal a determination that he or she has violated this policy by submitting a written appeal to the Chief Probation Officer within ten (10) calendar days of the date of the notice from the Chief Probation Officer stating his or her determination on the complaint. Youth may submit the written appeal and any substantiating evidence via the Ombudsperson's grievance box in the residential unit(s) or by mailing or delivering the appeal to the office of the Chief Probation Officer. The Ombudsperson shall promptly, and in no cases later than 24 hours after receiving the appeal, submit the appeal to the Chief Probation Officer.

The Chief Probation Officer shall make a written decision on any appeal within ten (10) calendar days of the date that the Chief Probation Officer receives the appeal. The Chief Probation Officer shall forward a written decision of whether the appeal was sustained or denied to the youth appellant and the Juvenile Justice Commission within two (2) calendar days of the date the Chief Probation Officer issued the decision. The Chief Probation Officer shall also notify the youth appellant in writing that he or she has exhausted all administrative remedies, and that if the youth believes that his or her civil rights have been violated or are in jeopardy, he or she may file a lawsuit in state or federal court.

b) Employees. Any employee found to have violated this policy may have appeal rights from that decision and any disciplinary action under the applicable Memorandum of Understanding.

c) Volunteers. Any volunteer found to have violated this policy may appeal that determination and any disciplinary action by mailing or delivering a written appeal to the Chief Probation Officer within ten (10) calendar days of the date of the Chief Probation Officer's written notice to the volunteer of the determination of the complaint. The volunteer may submit any substantiating evidence with the appeal paperwork. The Chief Probation Officer shall issue a written decision on an appeal within ten (10) calendar days of receiving the appeal. The Chief Probation Officer shall forward his or her written decision of whether the appeal was sustained or denied to the appellant and the Juvenile Justice Commission within two (2) calendar days of issuing the decision. The Chief Probation Officer shall also notify the appellant in writing that the appellant has exhausted all administrative remedies.

d) Contractors. Any contractor found to have violated this policy may have appeal rights under his or her own contract agency's policies and procedures.

e) CCSF agency staff. Any CCSF agency staff member found to have violated this policy may have appeal rights under his or her own CCSF agency's policies and procedures or any applicable Memorandum of Understanding.

f) Appeal Meeting. If the Department decides to dismiss a volunteer from his or her volunteer position, or decides to ban a contractor or CCSF agency staff member from working with youth under the jurisdiction of the Department based on a finding that the individual violated this policy, the Department shall provide the individual with written notice of that intended action, along with any materials that support the Department's decision. The notice shall advise the individual that he or she may appeal the determination and/or the intended action by submitting a written appeal to the Chief Probation Officer within ten (10) calendar days of the date of the notice from the Department. The notice shall further advise the individual that he or she is entitled to meet with the Chief Probation Officer or a designee to present evidence on the determination or intended action if the individual requests such a meeting in a timely written appeal, and that he or she may bring a single representative of his or her choice to the requested meeting. If an individual timely requests an appeal meeting, the Chief Probation Officer or designee shall promptly schedule that meeting. After the meeting, the Chief Probation Officer shall advise the individual of his or her decision on the appeal. If the Chief Probation Officer denies the appeal and upholds the determination and intended action, he or she may then effectuate the intended action in dismissing or banning the individual.

Except as specified above, the Chief Probation Officer is not required to conduct any meeting or hearing on an appeal. The Chief Probation Officer generally will

decide all appeals only on the written submissions. The Chief Probation Officer, at his or her sole discretion, may elect to conduct an appeal meeting or hearing if warranted under the circumstances.

H. RETALIATION

Retaliation against an individual for reporting harassment under this policy or for participating in an investigation of a harassment complaint is unlawful and strictly prohibited. Any individual who retaliates against an individual for making a report of harassment or participating in any investigation under this policy will be subject to appropriate action and/or discipline, consistent with the remedial and disciplinary actions specified in this policy.

I. DUTY TO FOLLOW PROCEDURE

All Department employees are required to comply with this policy. Any employee who fails to comply with this policy may be subject to disciplinary action, up to and including termination of employment.

J. RIGHT TO FILE OTHER COMPLAINTS

This policy shall not alter or affect the right of any person to file a complaint alleging harassment or discrimination in state or federal court, to file a charge with the United States Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing, to file a complaint with any other appropriate governmental agency, or to consult with a private attorney or union representative.

VI. RECORD KEEPING

The Department shall track all complaints made under this policy, whether sustained or not, as well as any remedial, disciplinary or other action taken for any violation of this policy. The Chief Probation Officer shall ensure that the Department maintains a record of any complaint and investigation of harassment by or of a youth, as well as the disposition of the complaint and any disciplinary or remedial action, in a confidential file. The Department shall keep complaints made under this policy separate from any other individual files maintained on youth.

VII. ROLE OF THE JUVENILE JUSTICE COMMISSION REGARDING COMPLAINTS OF HARASSMENT OF YOUTH

The Juvenile Justice Commission shall review complaints, and summary and aggregate data under this policy and make recommendations regarding the effective implementation of this policy. The Juvenile Justice Commission shall:

- Review copies of complaints filed, which shall be kept confidential.
- Review monthly summaries (with all confidential information redacted) of complaints, pending and completed investigation, determinations made on complaints, and appropriate action taken under this policy, to identify trends and address issues that may arise in implementing this policy.
- At least twice a year, review aggregate data reports (with all confidential information redacted) about complaints, pending and completed investigation, determinations made on complaints, and appropriate action was taken under this policy, which the Department shall organize by residential unit, nature of the complaint, and perhaps other non-confidential categories.
- Use the summaries and aggregate data reports to assess compliance with this policy.
- At least twice a year, report findings of its assessment of compliance with the policy to the Chief Probation Officer and the Juvenile Probation Commission.
- Make recommendations to the Chief Probation Officer and the Juvenile Probation Commission regarding the need for additional employee training, and help identify appropriate trainings and trainers.
- Make recommendations to the Chief Probation Officer and the Juvenile Probation Commission regarding additional programming for youth that will effectuate the letter and intent of this policy.

VIII. IMPLEMENTATION COMMITTEE

The Department shall form an Implementation Committee to assist it in implementing this policy and to assist the Juvenile Justice Commission in assuming its role under this policy. The Implementation Committee shall consist of a maximum of six members, including no more than three members selected by the Center for Young Women's Development, no more than two persons selected by the Chief Probation Officer, and no more than one person selected by the Juvenile Justice Commission. The Implementation Committee shall:

- Research, help organize, and evaluate training for staff in keeping with this policy.
- Research, help organize, and evaluate programming for youth in keeping with this policy.

- Review summaries and aggregate data reports (with all confidential information redacted) of complaints, pending and completed investigation, determinations made on complaints, and appropriate action taken under this policy, to work with the Juvenile Justice Commission to identify trends and address issues that may arise in implementing this policy.
- Provide support, advice and guidance to the Department to enable the Department to fully and effectively implement this policy.
- Record written recommendations for implementing this policy, including timelines and goals for the next three years, in collaboration with the Juvenile Justice Commission and the Department.

The Implementation Committee shall serve for six (6) months from the date that this policy is adopted. The Implementation Committee may request an extension of this six (6) month period by submitting a written request to the Juvenile Justice Commission and the Department for a specific extension of time to accomplish an identified set of tasks. The Juvenile Justice Commission and Department shall each respond to the Implementation Committee's request in writing within ten (10) calendar days, and state whether they approve or deny the request. If both the Juvenile Justice Commission and the Department approve the request, the Committee shall serve for the period granted by the Commission and Department.

VII. NOTICE

The Chief Probation Officer shall provide notice of this policy to all youth, employees, contractors, volunteers, and CCSF agency staff.

The Department shall prepare a one-page summary of the policy, and place the summary in the youth handbook that the Department gives to youth upon admission into and release from Juvenile Hall. The Department shall also post the one-page summary prominently in several places accessible to youth in all facilities run by the Department and in the youth-serving facilities run by contract agency partners.

The Department shall include a copy of this policy in its employee handbook and shall give a copy to all contractors, volunteers, and CCSF agencies.

The Department shall include the business contact information for the Equity Coordinator(s) and for the office of the Chief Probation Officer in all hand-outs and postings.

VIII. TRAINING

The Chief Probation Officer shall develop age-appropriate methods of discussing the meaning and substance of this policy with youth, employees, volunteers, contractors, and CCSF agency staff, to help prevent harassment.

The training programs, implemented within the context of professional development and the Department's training curriculum, shall (1) inform youth, employees, contractors, volunteers, and CCSF agency staff about the policy, and (2) raise awareness about the different types of harassment; how harassment manifests itself; and the devastating emotional and educational consequences of harassment.

IX. SEVERABILITY

The provisions of this policy shall be severable. If any provision or portion of this policy or its application to any person or circumstance is held invalid, the remainder of the policy or the application of the provision to other persons or circumstances is not affected.

Adopted:

Revised: