



Equal Employment Opportunities/Diversity, Equity and Inclusion

POLICY #302

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Effective Date: 3/22/2023

Prior Version Date(s): 3/30/1988;
1/14/2009; 8/20/2013

Approved by Secretary Josette Manning –
signed 3/22/2023

1. Policy Purpose

The Department of Services for Children, Youth & Their Families (DSCYF) is committed to eliminating unlawful discrimination in its employment practices, remedying the results of prior discrimination, and preventing such discrimination in the future. This policy sets out how DSCYF will ensure equal employment opportunities and a work environment that is free from discrimination. To accomplish this, DSCYF adopts in full the Department of Human Resources Respectful Workplace and Anti-Discrimination Policy as the basis for this department policy.

Executive Order Number 30, signed by the Governor on February 21, 2019, requires every executive branch agency to implement an Equal Employment Opportunity Report and Action Plan, which shall be filed with the Department of Human Resources (DHR) on or before September 15th of each year.

2. Scope

This policy applies to all department employees, interns, volunteers, and contractors, and to the employment practices of the department and its contracted agencies/individuals.

3. Definitions

Employment practices: Personnel policies and practices including, but not limited to: recruitment, appointment, transfer, promotion, compensation, working conditions, discipline and training.

Equal Employment Opportunity Report and Action Plan: The plan required by Executive Order Number 30 that includes a summary of DSCYF's Equal Employment Opportunity efforts, employee engagement, accomplishments, analysis of DSCYF's current workforce, and a breakdown of complaints and employment actions by gender, race/ethnicity, and employment status.

Equal Employment Opportunity (EEO) Officer: a DHR employee designated to manage EEO responsibilities at an agency. This includes responding to complaints in the manner prescribed in the procedures section. Contact information for the current EEO Officer can be found on the DSCYF Intranet HR resources page.

Sexual harassment: When an employee is subject to unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made explicitly or implicitly a term or condition of employment; 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or 3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

Discrimination: the unjust or prejudicial treatment of individuals based on their membership in a protected class.

Protected class: [protected classes](#) covered under this policy are consistent with state and federal law and include the following:

- Race (including traits historically associated with race, including hair texture and a protective hairstyle, which includes braids, locks and twists.)
- Color
- Religion
- National origin
- Age
- Sex
- Mental or physical disability
- Marital status
- Sexual orientation
- Genetic information
- Gender identity or expression
- Veteran or military status
- Victim of domestic violence, sexual assault, and/or stalking
- Reproductive health decisions
- Family responsibilities

4. Policy / Procedures

Equal Employment Opportunity Report and Action Plan

- A. The department will maintain an Equal Employment Opportunity Report and Action Plan, updated annually. Through implementation of the plan, the department will ensure that all activities related to employment are free from discrimination. The department will also ensure that an EEO Officer is appointed and made aware of their responsibility to handle complaints of discrimination by DSCYF employees. Links to current and past plans can be found on the department's Intranet website.

Diversity, Equity & Inclusion

- A. DSCYF shall maintain a Diversity, Equity & Inclusion (DE&I) Committee with the purpose of creating a culture that embraces diversity, ensures equity, practices inclusion, and fosters a sense of belonging for all department employees. The DE&I Committee works to inform, advise, and make recommendations on best practices around diversity, equity, and inclusion to the leadership of the department. The Committee will do this by leveraging the experiences, skills, expertise, and knowledge of its respective members to establish meaningful, measurable DE&I impacts beginning internally within the department and then externally in the communities served by the department.

Complaints

Complaints are ultimately handled by DSCYF Employee & Labor Relations (HR – E&LR). DSCYF HR - E&LR is responsible for receiving the complaint, conducting an investigation, and compiling findings and recommendations. This may be done by the DSCYF EEO Officer or another member of DSCYF HR – E&LR. DSCYF HR – E&LR does not represent either party, but functions as a neutral party working to resolve a conflict that has arisen because of an allegation of discrimination in the workplace. The goal is to quickly and informally resolve these conflicts at the grassroots level and to maintain each party's confidentiality.

- A. An employee who believes they have been harassed, discriminated, or retaliated against based on their membership in a protected class may initiate the complaint process by filing a complaint in writing with any of the following:
- a. Supervisor
 - b. Manager
 - c. The DSCYF EEO Officer
 - d. DSCYF HR – Employee & Labor Relations (HR – E&LR):
DSCYF_Labor_Relations@delaware.gov
- B. To proceed with the complaint process, DSCYF HR – E&LR will request that the employee submit a Respectful Workplace and Anti-Discrimination Complaint Form (Complaint Form). If discrimination or harassment is reported to a supervisor or manager, the supervisor or manager shall notify DSCYF HR – E&LR as soon as reasonably possible. DSCYF HR – E&LR will then contact the employee making the request that the employee fill out and submit the Complaint Form. This does not preclude the supervisor or manager from discussing the matter with the employee and/or providing the employee with a copy of this policy and the Complaint Form.
- C. Within 5 business days of receiving the Complaint Form, the DSCYF HR – E&LR will review the form and reach out to the complainant.
- D. An investigation will be conducted, which generally includes interviewing the employee making the complaint (the complainant), the subject of the complaint (the respondent), and any witnesses. All interviews will adhere to any relevant statute, Merit Rule, or Collective Bargaining Agreement terms. State employees shall cooperate fully with any investigation covered under this policy. Failure to cooperate may result in disciplinary action up to and including termination.

- E. As soon as reasonably possible, but no longer than 90 days from receiving the complaint, the investigator will conclude the investigation. A full written report of findings, conclusions, and recommendations will be prepared by the investigator. The investigator will conclude whether the allegation in the complaint was substantiated, partially substantiated, or unsubstantiated. A full report of the investigation is reviewed by Central DHR Employee & Labor Relations. A report of findings and recommendations will be submitted to the respective employee's division leadership, cabinet secretary and deputy secretary.
- F. Within 5 days of the determination, the investigator will provide a letter of findings and next steps to the employee making the complaint, and the investigator will invite the complainant to discuss the findings if they wish.
- G. The employee who is the subject of the complaint will be notified of the investigation's conclusion and whether the investigation was substantiated, partially substantiated, or unsubstantiated.
- H. Due to confidentiality, the investigator may not be permitted to disclose to the employee making the complaint what corrective actions were recommended or mandated, if any. The investigator is not permitted to share any information related to potential disciplinary actions.
- I. A conclusion of "unsubstantiated" or "partially substantiated" does not preclude the investigator from recommending, and division leadership and HR from acting on, recommendations for corrective action or process improvement. These recommendations may include, but are not limited to, referral to EAP, additional training, coaching, mentoring, communication planning, operational adjustments, policy clarification, workplace culture surveys and/or the completion of a disciplinary investigation.
- J. During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the employee making the complaint will be protected to as great a degree as possible. During the investigation and afterward, all parties, including witnesses when applicable, will be required to maintain strict confidentiality regarding any matters discussed in the course of the investigation.
- K. If at any point during the complaint and investigation process the employee feels they are being retaliated against for making a complaint, they should immediately notify the DSCYF HR – E&LR section.
- L. The Employee Assistance Program (EAP) provides confidential counseling services to state employees. Individuals wishing to discuss an incident confidentially or seeking advice of a personal nature are encouraged to contact the EAP in addition to utilizing the formal complaint process if they choose. Contacting the EAP will not qualify as notification to the state of potential harassment or discrimination. As part of the complaint process, HR – E&LR provides information about the EAP to employees.

5. Training

All department employees will receive training in accordance with requirements set forth in the Respectful Workplace and Anti-Discrimination policy.

Additional department-specific training may be assigned.

6. Legal Authority / Associated Policies

[Executive Order Number Thirty](#)

[DHR Respectful Workplace and Anti-Discrimination Policy](#)

[DSCYF Policy 217: Non-discrimination](#)

7. Associated Forms and Documents

[DHR Respectful Workplace and Anti-Discrimination Complaint Form](#)

[DHR Respectful Workplace and Anti-Discrimination Frequently Asked Questions \(FAQs\)](#)

[Delaware Sexual Harassment Notice from Department of Labor](#)

8. Responsibility for this Policy

DSCYF HR – E&LR is responsible for providing guidance related to this policy. The DSCYF Diversity, Equity & Inclusion (DE&I) Committee, in conjunction with the DSCYF Center for Professional Development, is responsible for identifying and assigning training related to this policy and other DE&I topics.