

SUBJECT: Unauthorized Relationships	PAGE <u> 1 </u> OF <u> 5 </u>
	NUMBER: 31-SEM-07
RULE/CODE REFERENCE: ORC 2907	SUPERSEDES: 31-SEM-07 dated 01/30/15
RELATED ACA STANDARDS: 4-4281-6	EFFECTIVE DATE: October 4, 2016
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish the mandate that department employees, contractors and volunteers maintain a professional relationship with all persons under the supervision of the Ohio Department of Rehabilitation and Correction (DRC) and that any relationship other than a professional relationship must be properly reported and authorized.

III. APPLICABILITY

This policy applies to all persons employed by the Ohio Department of Rehabilitation and Correction (DRC) and to independent contractors and volunteers who provide a service to the department.

IV. DEFINITIONS

Sexual Contact - Any touching of an erogenous zone of another including without limitation the thigh, genitals, buttocks, pubic region, or if the person is a female, a breast, for the purposes of sexually arousing or gratifying either person.

Sexual Misconduct - Any behavior or act of a sexual nature directed toward an offender by an employee, volunteer, visitor or agency representative. This includes acts or attempts to commit such acts including, but not limited to, sexual assault, kissing, sexual harassment, sexual contact, conduct of a sexual nature or implication, obscenity and unreasonable invasion of privacy. Sexual misconduct also includes, but is not limited to, conversations or correspondence which suggests a romantic or sexual relationship between an offender and any party mentioned above.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction (DRC) that department employees, independent contractors, and volunteers will maintain appropriate authorized relationships with offenders in order to assure fairness, integrity, credibility, and security in the work place.

All employees, volunteers, and independent contractors are expected to have a clear understanding that the DRC considers any type of unauthorized relationship with an individual under DRC supervision to be a serious breach of the Standards of Employee Conduct and these relationships will not be tolerated. Engaging in an unauthorized relationship may result in employment termination and or termination of the contractual or volunteer status.

VI. PROCEDURES**A. Prohibitions**

Without the express authorization of the appropriate supervisor as provided for in this policy or pursuant to other relevant DRC policies such as 71-SOC-01, Recruitment, Training, and Supervision of Volunteers, or 78-REL-04, Professional Contact: Correspondence with Ex-Offenders Concerning Employment and/or Educational Accomplishments, department employees are prohibited from engaging in any personal or business relationship(s) with any individual currently under the supervision of the department, or with any individual within six (6) months following their release from custody or from supervision, or in the case of Adult Parole Authority (APA) employees, engaging in same with any individual under the supervision of the department or any other criminal justice agency (i.e., "offenders"). Examples of prohibited activities include, but are not limited to:

1. The exchange of personal letters, pictures, telephone calls, or personal information by any means with an offender, the offender's family, or friends of the offender;
2. Visiting with any offender;
3. Entering into a business enterprise with an offender;
4. Residing with an offender;
5. Committing any sexual act with an offender;
6. Engaging in any other sexual contact or misconduct with an offender;
7. Aiding and abetting any unauthorized relationship.

B. Staff Training

1. The Corrections Training Academy (CTA) shall develop and utilize standardized lesson plans for New Employee Orientation (NEO) training to address inappropriate staff/offender relationships. All lesson plans or material used for the training shall be approved by the Superintendent of the CTA.
2. Each work location shall reinforce the importance of this policy during the orientation phase of their training for new employees, independent contractors, and volunteers.

C. Offender Education

1. Inmates shall be advised during orientation that unauthorized relationships are prohibited. They will be instructed on the procedure for reporting unauthorized relationships. This information shall also be included in the inmate handbook/manual.
2. During the initial meeting with their supervising officers, offenders under the supervision of the APA shall be advised that unauthorized relationships with department employees are prohibited. Offenders under supervision shall be instructed on the procedure for reporting unauthorized relationships.

D. Reporting Relationships by Employees**1. New Hires**

All work locations that hire employees shall implement and maintain a pre-employment procedure whereby all applicants must disclose any and all personal and/or business relationships they have or have had with any person that they are aware of who is currently under the supervision of the department.

2. Current Employees

- a. At any time during an employee's tenure with the Department, the employee becomes aware of the existence of a personal or business relationship with an offender, the next scheduled work day, the employee must report this information to his/her appointing authority or managing officer. The employee shall fill out the Staff Nexus Form (DRC1500) indicating the nature of the relationship and whether permission to have contact is being sought.
- b. The appointing authority or managing officer shall assess the information, approve/deny the request, document the information/decision on the form and return a copy to the requesting employee within five (5) business days. It is the responsibility of each managing officer when authorizing a relationship to give clear written direction and instructions to staff who have submitted the nexus form as to clarify the parameters upon which visiting, communication, and other types of personal interaction have been authorized.
- c. The original form shall be maintained in the managing officer's office, a copy shall be sent to the investigator/investigation coordinator, to the requesting employee and placed in the employee's personnel file.

3. Employees with Nexus Forms on File

- a. When an employee has an existing staff nexus form on file, it is essential for the employee to conduct himself/herself in a professional manner. Employees shall recognize the limitations of their authority and at no time use the power of their position for personal gain or advantage. This would include, but is not limited to,

falsifying, altering, and or removing any document or record to include changing, adding, or deleting any electronic records of inmates/offenders for which they have a Nexus form on file (i.e., visiting, RIB, sentence computation, etc.).

- b. Any time an employee changes work locations (i.e., transfers, promotion, etc.) and has a preexisting Nexus form on file it shall be his/her responsibility to report this information to the appointing authority/managing officer. The employee shall fill out a new Staff Nexus Form (DRC1500) as outlined in section VI.D.2.
- c. An approved staff nexus form may be revoked by the managing officer/appointing authority at any time. Reasons for the revocation shall be documented on the staff nexus form and provided to the employee.

4. Appeals

The employee requesting authorization to have a relationship has five (5) business days after receipt of the denial or revocation to appeal the decision to the next level of supervision. The appeal must be in writing with enough information for the administrator to make a decision. The administrator has ten (10) business days from the date of receipt of the appeal to respond in writing to the employee. There is no further appeal.

E. Reporting Potential Unauthorized Relationships

1. Any employee, contractor or volunteer who becomes aware of or reasonably suspects that another employee, contractor or volunteer is involved in an unauthorized relationship has an affirmative duty to immediately report any such knowledge or suspicion to their appointing authority/managing officer for appropriate action.
2. Inmates may report any knowledge or suspicion of an unauthorized relationship to any staff member. This information shall immediately be communicated to one of the following: the inspector of institutional services, the operations compliance manager (OCM), investigator, or the managing officer. Offenders under APA supervision shall report this information to the unit supervisor or regional administrator.
3. As detailed in DRC policy 79-ISA-02, Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation, sexual misconduct by staff towards inmates is strictly prohibited. Retaliation against persons who report sexual misconduct is also strictly prohibited. All allegations of sexual misconduct and/or retaliation shall be reported in accordance with DRC policy 79-ISA-02, Prison Sexual Misconduct Reporting, Response, Investigation, and Prevention of Retaliation, and administratively and/or criminally investigated.
4. Employees who fail to report knowledge of a potential unauthorized relationship or withhold information concerning a potential unauthorized relationship may be subject to disciplinary action, up to and including removal. In the case of contractors or volunteers, they may be subject to suspension of their volunteer status or termination of their contract.

F. Investigations

1. No employee is permitted to conduct investigations of alleged violations of the Standards of Employee Conduct without the approval of the managing officer, regional directors, chief inspector, or the investigations coordinator for the Division of Parole and Community Services (DPCS). Pursuant to DRC policy 09-INV-04, Institutional Investigator, allegations involving potential unauthorized staff/inmate relationships shall be referred to the institutional investigator. The Office of the Chief Inspector may conduct and/or coordinate such investigations in institutions and Operation Support Center (OSC). The investigations coordinator may conduct and/or coordinate investigations for the DPCS. Any staff member assigned as an investigator into any alleged unauthorized relationship shall, at the completion of the investigation, complete and properly route to the Office of the Chief Inspector an Unauthorized Relationship Profile form (DRC4270). The Office of the Chief Inspector shall enter pertinent information from the Unauthorized Relationship Profile form (DRC4270) into DOTS portal.
2. Employees are to cooperate fully by providing all pertinent information during the investigation. The failure of an employee to answer any inquiry fully and to the best of their knowledge will be grounds for disciplinary actions.
3. The Ohio State Highway Patrol shall be notified of all instances of potential criminal sexual offenses committed by staff as defined by chapter 29 of the Ohio Revised Code. The DRC shall aid in the prosecution of any criminal charges to the fullest extent possible.
4. Employees who violate this policy shall be investigated and disciplined consistent with the Standards of Employee Conduct.

All terminations for violations of agency sexual misconduct policies shall be reported to DRC legal services by the managing officer for notification to any licensing bodies.

Related Department Forms:

Staff Nexus	DRC1500
Unauthorized Relationship Profile	DRC4270