



Administrative Policy No. 18.66

Title: Discrimination and Harassment Prevention

Applies To: All DSHS Employees

Resources: RCW [49.60](#)
WAC [357-25](#)
Executive Order [89-01](#)

Information Contact: DSHS Human Resources

Effective Date: July 1, 2005

Revised: January 1, 2011

Sunset Review Date: January 1, 2015

Approved by: 

Senior Director, DSHS Human Resources

Purpose:

This policy identifies and prohibits behaviors that are inconsistent with a safe and harassment-free work environment.

Scope:

This policy applies to all DSHS employees, volunteers, work-study students and interns, regardless of their position.

Definitions:

Discrimination: Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class because of race, creed, sex, color, religion, national origin, age (over 40), disabled veterans status, disability, Vietnam Era veterans status, sexual orientation, marital status, use of a trained guide dog or service animal by a person with a disability, and/or any other protected class; or retaliation for complaints related to these categories.

Harassment: Verbal, nonverbal, or physical conduct that threatens, intimidates, coerces, or taunts another

person (including sexual, racial or ethnic slurs) that interferes with the employee's ability to perform his or her job.

Hostile Work Environment: Includes harassment on the basis of gender, or lack of appreciation and respect for diversity in the workplace based on race, creed, color, religion, national origin, sex, disabled veterans status, Vietnam Era veterans status, disability, age (over 40), sexual orientation, marital status, use of a trained guide dog or service animal by a person with a disability or any other protected class.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Two types of sexual harassment are:
 1. "Quid pro quo" harassment involves harassment that is linked to some employment decision. For example: A supervisor promising an employee a raise if she goes on a date with him; a manager telling an employee she will fire him if he does not have sex with her.
 2. "Hostile work environment" involves harassment that creates an offensive and unpleasant working environment. A hostile work environment can be created by anyone in the work environment, whether it is a supervisor, other employees, or a client. Hostile work environment harassment can involve verbal conduct of a sexual nature, unwelcome sexual materials, or unwelcome physical contact. Cartoons or posters of a sexual nature, vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

Policy:

DSHS will not tolerate discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, DSHS will seek to prevent, correct, and discipline behavior that violates this policy.

A. Discrimination

Discrimination of this kind is strictly prohibited. Discrimination of this kind may also be strictly prohibited by federal, state, and local laws, including Title VII of the Civil Rights Act of 1964; the Age Discrimination Act of 1975; the Americans with Disabilities Act of 1990; and the Washington Law Against Discrimination. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

It is a violation of this policy to:

1. Discriminate in the provision of employment opportunities, benefits, or privileges

2. Create discriminatory work conditions
3. Use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, based on membership in a protected class, or retaliation for assisting in the investigation of a complaint.

B. Harassment

1. Harassment, including sexual harassment or creating a hostile work environment is prohibited. DSHS will take appropriate and swift action up to and including dismissal to address any violation of this policy.
2. Examples of harassment include, but are not limited to:
 - a. Verbal: Inappropriate, unwarranted and/or unwelcome comments regarding a person's race, creed, color, religion, national origin, sex, disabled veterans status, Vietnam Era veterans status, disability, age (40 or over), sexual orientation, marital status, or use of a trained guide dog or service animal by a person with a disability; epithets, slurs, or negative stereotyping.
 - b. Nonverbal: Distribution or display of any written or graphic material that, ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of membership in a protected class.
 - c. Physical: Any unwelcome, unwanted physical contact, including but not limited to, touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.
3. Examples of behavior or actions that could be perceived by others to create a hostile work environment include, but are not limited to:
 - a. Racial or ethnic epithets
 - b. Discriminatory verbal intimidation, ridicule and insults
 - c. Denying salary increases, promotions and assignments to more desirable work that is motivated based on a protected class status
 - d. Yelling, verbal intimidation, ridicule or insults by a supervisor directed at a person in a protected class but not at others
 - e. Jokes directed at individuals in a protected class that are unwelcome or offensive.

C. Sexual Harassment

1. Sexual harassment is a form of discrimination and prohibited under this policy. Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- a. Is made explicitly or implicitly a term or condition of employment
 - b. Is used as a basis for an employment decision
 - c. Interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment
2. Examples of conduct that may constitute sexual harassment include, but are not limited to:
- a. *Verbal*: Sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, threats, requests for any type of sexual favor (this includes repeated, unwelcome requests for dates), verbal abuse or "kidding" which is oriented towards a prohibitive form of harassment, including that which is sex oriented.
 - b. *Nonverbal*: The distribution or display of any written or graphic material that is sexual in nature, including calendars, posters and cartoons that are sexually suggestive, or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; or sexual content in letters and notes, facsimiles and e-mail.
 - c. *Physical*: Unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual intercourse or assault.
3. Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is unwelcome and/or personally offensive which lowers morale and interferes with work effectiveness.
4. Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that are acceptable to and welcomed by both parties are not considered harassment.

D. Retaliation

Retaliation or attempted retaliation is prohibited. No hardship, loss of benefits, or penalty may be imposed on an employee as punishment for one or more of the following:

1. Filing or responding to a bona fide complaint of discrimination or harassment
2. Appearing as a witness in the investigation of a complaint
3. Serving as an investigator

Any employee who initiates or participates in retaliation will be subject to disciplinary action, up to and including, dismissal.

E. Supervisor/Employee Personal Relationships

1. DSHS prohibits romantic or sexual relationships between a manager or other supervisory employee and his or her employee who reports directly or indirectly to that person. Such relationships may:
 - a. Create compromising conflicts of interest or the appearance of such conflicts.
 - b. Cause others to perceive favoritism or bias in employment decisions affecting the staff member.
 - c. Be viewed by others or, at a later date, by the subordinate staff member as having been given as the result of coercion or intimidation and consent may be viewed as suspect due to the uneven balance of power within such relationships.
 - d. Appear to create bias, favoritism, intimidation, coercion or exploitation, the atmosphere of which undermines the spirit of trust and mutual respect that is essential to a healthy work environment.
2. Any DSHS employee entering into or continuing a relationship that is romantic or sexual in nature with another employee in which one is directly or indirectly the supervisor of the other employee must notify the appointing authority. This requirement does not apply to employees who do not work in the same chain of command or to employees who do not have supervisory or management responsibilities over the other.
3. The appointing authority or designee may move one or both parties of consenting romantic or sexual relationship to a different chain of command, or take other actions as appropriate.
4. When the appointing authority becomes aware of the relationship, he or she will review the situation with DSHS Human Resources. The review will include:
 - a. An assessment of reporting relationships
 - b. The effect on co-workers and other relevant factors.
 - c. Whether moving one or both employees to another position within the administration is necessary. If so:
 - 1) The appointing authority will consult with DSHS Human Resources to determine which employee will be moved. The final decision will be based on which move will be least disruptive to the administration as a whole.
 - 2) If positions are available for both employees in other program areas, and if the appointing authority finds that moving either employee would be no more disruptive than moving the other, the employees may decide who will apply for a new position.

- 3) If the employees cannot reach a decision, or the employee is not chosen for the position to which he or she has indicated an interest to alleviate the reporting relationship, the employees will contact the appointing authority. Management will make the final decision based on business needs.

F. Roles and Responsibilities

1. Managers and supervisors shall model appropriate behavior and are responsible to:
 - a. Provide each employee with a copy of the [Nondiscrimination](#) brochure upon hire
 - b. Ensure new employees receive training on this policy within the first six months of their employment
 - c. Assure staff review this policy annually and the review is documented in the employee's personnel file
 - d. Consult with the HR Manager to determine appropriate action calculated to stop harassment and discriminatory behavior that is observed and/or of which they become aware
 - e. Take appropriate corrective or disciplinary action when harassment and/or discriminatory behavior occurs
2. DSHS Human Resources will provide managers and employees with:
 - a. Technical assistance and consultation
 - b. Training to prevent harassment, discrimination, and inappropriate behavior of a sexual nature in the workplace
3. DSHS employees are responsible for reporting harassment or discrimination to their supervisor, or to someone within the employee's chain of command if they are not comfortable disclosing the harassment or discrimination to their supervisor

G. Violation of Policy 18.66

Violations of this policy may be reported by calling:

- VOICE: (360) 725-5807 or 1-800-521-8060
- TDD: (360) 586-4289 or 1-800-521-8061
- FAX: (360) 586-7497
- EMAIL: iraucomplaints@dshs.wa.gov

DSHS staff violating this policy may be subject to disciplinary action under [WAC 357](#) and/or the provisions

of applicable [Collective Bargaining Agreements.](#)