



Washington State Conservation Commission

Policy Name and Number:	Discrimination and Harassment Prevention Policy# 23-03 <i>This policy replaces:</i> 13-08 Sexual Harassment 13-09 Anti-Discrimination
Applies to:	This policy applies to all Washington State Conservation Commission (SCC) employees, applicants, contractors, and volunteers.
Effective Date:	March 16, 2023
Approved By:	Conservation Commission Board by Motion

Applies to:

This policy applies to all Washington State Conservation Commission (SCC) employees, applicants, contractors, and volunteers.

Governance: Listed below are some, but not all, applicable governing requirements. Note: Laws and rules may change over time and such changes may take precedence over this policy.

- Federal law: [The Civil Rights Act of 1964](#)
- President's Executive Orders: [EO 11246](#) (as amended by [EO 11478](#) and [EO 13672](#))
- State law: [Chapter RCW 49.60 Discrimination – Human Rights Commission](#)
- State rule: [Chapter 357-25 WAC Affirmative Action](#)
- Governor's Executive order: [EO 12-02](#)

About this policy

This policy identifies and prohibits behaviors that are inconsistent with a safe and harassment-free work environment. This policy is intended to comply with the prohibitions listed in state and federal anti-discrimination laws. As of the most recent update to this policy, the following areas are protected by law from discrimination and harassment:

- Race/Color,
- Use of a Service Animal,
- National Origin,
- HIV Or Hepatitis C Status,
- Creed,
- Marital Status (except in public accommodation)
- Sex/Pregnancy
- Sexual Orientation
- Gender Identity/Gender Expression
- Breastfeeding (in public accommodation),
- Age (40+, employment only),
- Veteran/Military Status,
- State Employee Whistleblower,
- Actual Disability, and
- Perceived Disability.

Policy

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

Definitions

This policy uses the same definitions found in [RCW 49.60.040](#) (Discrimination –Human Rights Commission), [RCW 41.06.020](#) (State Civil Service Law), and by [Federal government nondiscrimination laws and regulations](#).

Safe and harassment-free work environment is a work environment free from violence and harassment.

Harassment: based on a protected classification becomes unlawful when tolerating the offensive conduct (verbal or physical) becomes a condition of continued employment, or the conduct is severe or pervasive and creates a work environment a person would consider intimidating, hostile, or abusive. The harasser can be the victim’s supervisor, a supervisor in another area, a co-worker, or someone who is not an employee, such as a client or customer.

Other forms of harassment (including bullying) include any form of unwelcome conduct, pervasive, persistent, and unsolicited verbal, non-verbal, written, or physical conduct that is offensive and could alter the affected employee’s terms and conditions of employment.

Policy Statement

The SCC will provide and promote a safe and harassment-free work environment.

The requirements of this policy are not optional.

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

SCC employees violating this policy may be subject to disciplinary action under chapter 357-40 WAC Discipline and/or the provisions of applicable collective bargaining agreements. See the agency discipline policy.

- SCC will take appropriate and swift action up to and including dismissal to address any violation of this policy; and
- Any employee who initiates or participates in retaliation will be subject to disciplinary action, up to and including, dismissal.

This policy is used together with other policies.

This policy is used together with and incorporates by reference other related agency administrative policies. Specifically, the:

- Diversity Equity and Inclusion Policy,
- Respectful Workplace Policy,
- Affirmative Action and Equal Opportunity Policy, and the,
- Reasonable Accommodation Policy.

Policy

A. Discrimination is illegal and prohibited by SCC. Discrimination is 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](#).

It is a violation of this policy, state law, and federal law to:

- Discriminate in the provision of employment opportunities, benefits, or privileges,
- Create discriminatory work conditions, and
- 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 is illegal and prohibited by the SCC. Harassment, including [sexual harassment](#) (as defined by CFR [Title 29 §1604.11](#)) or creating a hostile work environment (as defined by [EEOC Notice No. 915.002](#)) is illegal. SCC will take appropriate and swift action up to and including dismissal to address any violation of this policy.

Some examples of behavior or actions that could be perceived by others to create a hostile work environment include, but are not limited to:

- Racial or ethnic epithets,
- Discriminatory verbal intimidation, ridicule, and insults,
- Denying salary increases, promotions and assignments to more desirable work that is motivated based on a protected class status,
- Yelling, verbal intimidation, ridicule or insults by a supervisor directed at a person in a protected class but not at others, and
- Jokes directed at individuals in a protected class that are unwelcome or offensive.

C. Retaliation or attempted retaliation is illegal and prohibited by SCC.

1. No hardship, loss of benefits, or penalty may be imposed on an employee as punishment for one or more of the following:

- Filing or responding to a bona fide complaint of discrimination or harassment,
- Appearing as a witness in the investigation of a complaint, and
- Serving as an investigator.

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

D. Certain non-disclosure agreements as a condition of employment are prohibited. SCC may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver, or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events coordinated by or through the employer, or between employees, or between an employer and an employee, off the employment premises in accordance with section 1, chapter 117, Laws of 2018.

Procedures

Click here for [Process for Reporting a Complaint](#). Written process is also listed at the end of this policy.

The SCC has put in place a process to make sure protection and relief is available from any form of discrimination or sexual harassment. Protection and relief are available to all State Conservation Commission (SCC) employees, applicants, contractors, and volunteers.

Responsibilities

Managers and supervisors

Managers and supervisors shall model appropriate behavior and are responsible to:

- Make sure new employees receive training on this policy within the first six months of their employment,
- Make sure staff review this policy annually and the review is documented in the employee's personnel file,
- Consult with the HR Business Partner to determine appropriate action calculated to stop harassment and discriminatory behavior that is observed and/or of which they become aware, and
- Take appropriate corrective or disciplinary action when harassment and/or discriminatory behavior occur.
- Take immediate action upon learning of or observing harassment within the work unit

Human Resources

Human Resources will provide managers and employees with:

- Technical assistance and consultation, and
- Training to prevent harassment, discrimination, and inappropriate behavior of a sexual nature in the workplace.

Employees

Employees who feel they are being harassed are encouraged to identify the offensive behavior to the harasser either in person or in writing. If the employee is uncomfortable in confronting the offender directly or if after doing so the behavior has not stopped, the employee should immediately report violations of this policy to their supervisor and/or Human Resources. Employees are encouraged to report harassment before it becomes severe or pervasive.

[History](#)

First Effective: March 16, 2023

Amended

Harassment, Discrimination, or Retaliation Complaint Process

We are committed to promoting an inclusive, respectful, and safe culture. Because of this, we will respond to all complaints related to harassment, discrimination, and retaliation. To help make sure this happens, we have put in place a complaint reporting process to make sure protection and relief is available from any form of discrimination or sexual harassment. No complaint is insignificant if it means an employee doesn't feel emotionally or physically safe in the workplace.

About the complaint reporting process

This complaint process supports and is used together with these agency policies:

- Affirmative Action and Equal Opportunity Policy,
- Diversity, Equity, and Inclusion Policy,
- Discrimination and Harassment Prevention Policy,
- Reasonable Accommodation Policy, and the,
- Respectful Workplace Policy.

There are occasions that must inform employees that we are under a legal obligation to respond to allegations of behaviors covered by this policy. We are committed to responding because we want to promote an inclusive, respectful, and safe culture.

Who can file a complaint?

Anyone who works, volunteers, interns, or does contracting work for the small agency can report or file a complaint. If you are a represented employee, this process will not conflict with a formal grievance process. Please refer to the [appropriate bargaining agreement](#) regarding complaints and grievances.

Should I submit a complaint?

A complaint is an expression of dissatisfaction, discontent, or unhappiness with an action, decision, or omission within the control or responsibility of the agency and includes an unresolvable problem or dispute. Use this process if the issue cannot be resolved informally at the supervisor level or falls into one of the categories below, a complaint should be submitted.

Use this process for:

- Unlawful discrimination (racial, sexual orientation, disability, religious, age, etc.)
- Personal harassment (inappropriate comments, offensive jokes, intimidation, ostracizing behavior, etc.)
- Physical harassment (hostile behavior, intimidation by destruction of property, direct threats, etc.)
- Sexual harassment
- Quid pro quo sexual harassment

- Third-party harassment (an individual outside of the organization)
- Bullying
- Cyberbullying
- Retaliation

We encourage everyone to raise issues that are of concern as soon as possible. We follow a transparent, fair, and timely process for addressing complaints and problems so that:

- Everyone involved is treated equitably.
- That no one who reports a complaint is penalized or disadvantaged.
- SCC will do our best to preserve confidentiality, handle all issues with discretion and preserve a space of respect.

How do I submit a complaint?

Complaints may be made in writing or verbally. Depending on the situation and your level of comfort, you can report the issue directly to your supervisor for resolution or schedule a conversation with your [assigned HR Business Partner \(HRBP\)](#).

We encourage you to use the [Personnel Incident form](#) when making a written complaint. If you choose to submit a complaint form to a trusted supervisor, manager, member of the leadership team, or to your HRBP, follow the directions on the form.

What happens once HR receives my complaint?

The assigned HRBP will review your complaint to determine next steps based on the issue described in the complaint. In all situations, we will make sure you are kept informed of the status of your complaint. Depending on the situation, you may be asked to provide additional supporting information for your complaint – requests for more information, if needed, may come in a variety of forms.