



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 - Mission, Values, Principles



Subject

Harassment-free Workplace

Section – Policy Number:

0-3.0

Supersedes:

I-D-1.2 (1/96)
0-3.0 (2/27/06)
0-3.0 (12/22/08)

Effective Date:

02/27/2006

Date of Last Revision:

07/30/2010

Related Standards and References:

- 42 USC §2000d, Title VI of [Civil Rights Act of 1964](#)
- [ORS 659a.030](#) (Discrimination because of race, religion, color, sex, national origin, marital status or age prohibited)
- [ORS Chapter 240](#) (State Personnel Relations)
- [ORS 243.305](#); ORS 243.315 (Affirmative Action)
- Department of Administrative Services, Human Resource Services Division (DAS-HRSD) 50.010.01 ([Harassment-Free Workplace](#))
- [OAR 105.040.001](#) (Equal Employment Opportunity and Affirmative Action)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 3-JTS-1C-07-1 (Prohibition of Sexual Harassment)
- Collective Bargaining Agreements (AFSCME Local 191, SEIU)
- OYA policy: 0-2.1 (Professional Standards)
0-2.4 (Conflict of Interest)
0-3.1 (Equal Employment Opportunity and Affirmative Action)
0-5.0 (Violence-free Workplace)

Related Procedures:

- None

Interpretation:

Human Resources Section

Approved:

Colette S. Peters, Director

I. PURPOSE:

OYA recognizes that harassment in any form undermines the agency's mission. This policy defines and prohibits all forms of harassment in the workplace, articulates management's responsibilities and provides remedies for staff if they have experienced harassment by a coworker.

II. POLICY DEFINITIONS:

Harassment: A form of offensive treatment or behavior which to a reasonable person creates an intimidating, hostile or abusive work environment. Harassment may include, but is not limited to, verbal harassment, such as racial epithets, ethnic or sexual jokes, inappropriate use of sexually explicit language, demeaning and derogatory comments; physical harassment, such as unwanted touching, physical interference with normal work or movement, or assault; visual or audio harassment, such as derogatory or sexually or racially offensive posters, degrading songs, cartoons, or drawings in any form, including written, computer generated or telephonic; and sexual harassment.

Sexual harassment: Any advance, request for sexual favors or other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made whether explicitly or implicitly a term or condition of an individual's employment;
2. submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting that individual; or
3. such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

III. POLICY:

OYA values its workforce and believes that staff have the right to work in an environment that is free from harassment. Harassment violates human dignity, undermines integrity, and diminishes morale. OYA will maintain a work environment free from behavior, action or language that may be perceived as harassment. Staff have the responsibility to conduct themselves in accordance with this policy to maintain an environment that is free from harassment. Therefore, abusive, demeaning, or hostile behavior will not be tolerated and is subject to the complaint process of this policy.

In addition, any harassment based on race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, and marital status is a violation of state and federal law and unacceptable conduct, and will not be tolerated. Staff that have been subjected to harassment that is a violation of state and federal law, have the option to pursue any of the complaint processes described in this policy.

It is the responsibility of each staff to promote a positive and affirming workplace environment free from intimidation, harassment and discrimination. OYA encourages staff to take action if they experience unwelcome behavior. Staff have the right, and are encouraged to communicate such concerns in the manner they feel is most safe, including, but not limited to, advising the offending person about his/her behavior.

OYA is committed to promoting a professional work environment for staff. However, it is not the intent of OYA to interfere with social interaction or relationships freely entered into between staff unless those interactions and relationships have a negative impact on morale, performance in the workplace, or the work environment.

OYA recognizes that staff who work directly with offenders are routinely exposed to the risk of harassing behavior. However, this policy pertains to the prohibition of and complaint processes if harassing behavior is experienced, observed or reported by management, staff, contractors, and the public while working for OYA. While harassing behavior of any type is not tolerated within OYA, staff response to situations involving offenders will be handled according to OYA policy and local procedure that defines appropriate action in those situations.

It is the policy of OYA that all staff will participate in harassment-free workplace training when offered.

IV. GENERAL STANDARDS:

- A. Harassment in any form is prohibited, whether between management staff and subordinates; lead workers and subordinates; contractors, the public, or coworkers.
- B. A substantiated incident of any form of harassment or retaliation for reporting harassment or failure to cooperate in an investigation will result in corrective action, which may include disciplinary action, up to and including dismissal of the staff or termination of volunteer assignments.
- C. Management Responsibilities (Includes Executive Staff)
 - 1. Management staff are expected to be alert to activity in the workplace which may constitute harassment of any form and have a duty to initiate immediate and appropriate action whenever they witness or become aware of interactions or conditions which may be construed as harassment.
 - 2. Management staff will consult with Human Resources Section to discuss the alleged harassing behavior they have observed, or which others have brought to their attention.
 - a) The reporting management staff and the Human Resources Manager/designee will determine the best approach for addressing the questionable behavior and determine appropriate corrective action to be taken, if any.
 - b) In the investigation of harassment allegations, OYA will provide confidentiality for both the complainant and the alleged respondent to the greatest extent possible.
 - 3. Because management staff are in a position of power relative to the staff they supervise, management staff must avoid developing

close personal relationships with any staff, regardless of gender, who reports directly or indirectly to them.

For purposes of this policy, close personal relationships are defined as dating, sharing living accommodations, or intimate and sexual relationships, regardless of gender.

If such a relationship does develop, the management staff must immediately notify the appropriate Assistant Director, or Director/Deputy Director, and the Human Resources Manager of the relationship. The workplace reporting structure will be evaluated. If possible, an alternative OYA reporting structure, work assignment or work location may be considered for either party in the relationship based on agency operational need. However, availability of these alternative options is not assured.

Failure to make such personal relationships immediately known may result in disciplinary action up to and including dismissal from OYA service. (See OYA policy 0-2.4 Conflict of Interest.)

4. Management staff are expected to communicate this policy to their subordinates and to provide leadership in carrying out its intent.
5. Management staff that are aware of, know, or should have known of workplace harassment and fail to report such behavior or fail to take immediate and appropriate corrective action will be subject to disciplinary actions up to and including dismissal.

D. Staff Responsibilities

1. Staff have the following options to address harassing behavior:
 - a) Inform the offending individual of the harassing behavior and requesting that the behavior stop. If staff choose to inform the offending individual of the harassing behavior, it is recommended that the staff document the conversation.
 - b) Inform management staff of the harassing behavior.
 - c) Inform the offending individual and management staff of the harassing behavior.
2. If a management staff engages in conduct/behavior which may constitute harassment, the staff will report the behavior to the next immediate management staff or Human Resources staff.

E. Complaint Process Procedure

1. Staff may pursue the complaint process described in Section IV of this policy for any alleged harassment.

2. The following sets out the process for the filing of an internal harassment complaint.
 - a) Staff:
 - (1) Reports incident(s) to his/her Supervisor/Manager, any other management staff, or the Human Resources Manager/designee. Staff may file an oral or written complaint.
 - (2) SEIU-represented staff may have union representation during this process.
 - b) Supervisor or Manager: Documents the report and immediately contacts the appropriate Supervisor/Manager or the Human Resources Manager/designee with the oral or written complaint.
 - c) Human Resources Manager/designee: Determines what action will be taken. Such action includes, but is not limited to:
 - (1) recording the complaint in writing;
 - (2) informing the alleged harasser about the complaint;
 - (3) investigating the complaint;
 - (4) determining whether the alleged conduct occurred and the appropriate type and level of corrective action, if any;
 - (5) implementing corrective or disciplinary action pursuant to the collective bargaining agreement and/or state policy as appropriate;
 - (6) responding to complainant and alleged harasser in writing within 30 days of receiving the complaint.

F. Harassment that is a Violation of State or Federal Law

1. If the alleged harassment is a violation of state or federal law (i.e. harassment based on race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, and marital status), the complainant may pursue any complaint process described in Section IV of this policy and any of the complaint processes that follow, as appropriate.
2. Grievance Process Procedure
 - a) Classified represented staff may file a grievance in accordance with SEIU collective bargaining agreement, or

the American Federation of State, County or Municipal Employees (AFSCME) collective bargaining agreement, whichever is applicable.

- b) Classified unrepresented, unclassified unrepresented, management, executive service or temporary employees, volunteers cannot file a grievance through a collective bargaining agreement, but may file a complaint in accordance with this policy.

3. In addition to the complaint process articulated above, staff may choose to pursue their harassment complaint with the entities described in below.

- a) Staff may contact OYA Human Resources Section, the Oregon Bureau of Labor and Industry (BOLI), or the Equal Employment Opportunity Commission (EEOC) to determine if the harassing behavior is illegal.

- b) Staff may file a complaint directly with any of the following agencies:

- (1) Oregon Bureau of Labor and Industry (BOLI)
Civil Rights Division
800 NE Oregon Avenue #32
Portland OR 97323
503-731-4106 (voice or TDD)

- (2) Equal Employment Opportunity Commission (EEOC) Seattle District Office
909 First Avenue Ste 400
Seattle, WA 98104-1061
206-220-6883 (voice) 206 220-6882 (TTD)

V. LOCAL OPERATING PROCEDURE or PROTOCOL REQUIRED: NO