

State of Oregon Mental Health Regulatory Agency

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Diversity & Inclusion/
Affirmative Action Statement
July 1, 2019 to – June 30, 2021

Mental Health Regulatory Agency
Diversity & Inclusion/ Affirmative Action Statement
2019-21 Biennium

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A. Agency Mission and Objectives

The Mental Health Regulatory Agency (MHRA) was created to protect the public from harm by providing administrative and regulatory oversight to two regulated boards that regulate mental health professions in the State- the Oregon Board of Psychology and the Oregon Board of Licensed Professional Counselors and Therapists.

MHRA performs administrative functions for the regulated boards, including budgeting, recordkeeping, staffing, contracting, procedure and policymaking, and performance and standard setting. The boards maintain their own separate authority for complaint investigations, regulatory enforcement, establishment and collection of fees, licensing criteria including education, training and examination, and practice standards including the adoption of a code of ethics.

Oregon Board of Psychology

The mission of the Oregon Board of Psychology (OBOP) is to promote, preserve, and protect the public health and welfare by ensuring the ethical and legal practice of psychology. OBOP was created for the purpose of determining the qualifications of applicants to practice psychology in Oregon, and issuing and renewing licenses. The Board investigates complaints of professional misconduct made against licensees, and is also charged with safeguarding the people of the State of Oregon from the dangers of unqualified and improper practice of psychology.

Practicing psychology means rendering or offering to render supervision, consultation, evaluation or therapy services to individuals, groups or organizations for the purpose of diagnosing or treating behavioral, emotional or mental disorders. It is unlawful to practice psychology or represent oneself as a psychologist without first being properly licensed by the OBOP. To "represent oneself as a psychologist" means to use any terminology, title or description of services incorporating the words "psychology," "psychological," "psychotherapy," or "psychologist," or to offer or render to individuals or to groups of individuals services included in the practice of psychology.

OBOP consists of nine members. Six members are licensed psychologists; and three members are from the general public, not associated with the profession. All members are appointed by the Governor to three-year terms and confirmed by the Senate. The Board meets every other month, usually at its offices in Salem. Decisions are made in open public meetings where guests are encouraged to attend.

Oregon Board of Licensed Professional Counselors and Therapists

The mission of the Oregon Board of Licensed Professional Counselors and Therapists (OBLPCT) is protect the public by identifying and regulating the practice of qualified mental health counselors and marriage and family therapists. OBLPCT was created for the purpose of licensing and regulating licensed professional counselors (LPCs) and licensed marriage and family therapists (LMFTs). The Board is also charged with safeguarding the people of the State of Oregon from the dangers of unqualified and improper practice of professional counseling and marriage and family therapy.

“Marriage and family therapy” means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of family systems or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

“Professional counseling” means the assessment, diagnosis or treatment of mental, emotional or behavioral disorders involving the application of mental health counseling or other psychotherapeutic principles and methods in the delivery of services to individuals, couples, children, families, groups or organizations.

Unless exempted, it is unlawful for a person not licensed by OBLPCT to engage in or purport to the public to be engaged in the practice of professional counseling under the title “licensed professional counselor,” or to engage in or purport to the public to be engaged in the practice of marriage and family therapy under the title of “licensed marriage and family therapist.”

The Board consists of eight members: three professional counselors; two marriage and family therapists; a member of faculty of a school that trains counselors or therapists; and two public members. All members are appointed by the Governor to three-year terms and confirmed by the Senate. The Board hires staff to administer all official business. The Board meets bimonthly, usually at its offices in Salem. The Board is funded solely from licensing fees and other miscellaneous revenues such as publication sales and civil penalties. Decisions are made in open public meetings where guests are encouraged to attend.

B. Affirmative Action Policy Statement

The Mental Health Regulatory Agency is committed to achieving a work force that represents the diversity of Oregon’s population and to providing fair and equal employment opportunities. The Agency is committed to an affirmative action program that provides equal opportunities for all persons regardless of race, color, religion, sex, sexual orientation, gender identity, national origin, marital status, age or disability. The Agency provides an environment for each applicant, employee and member that is free from sexual harassment, as well as harassment and intimidation on account of an individual’s race, color, religion, gender, sexual orientation, national origin, age, marital status or disability. The Agency employment practices are consistent with the State’s Affirmative Action Plan Guidelines and with state and federal laws, which preclude discrimination.

The Mental Health Regulatory Agency will not discriminate, nor tolerate discrimination, against any applicant, employee or member because of physical or mental disability in regard to any position for which the known candidate is qualified.

The Agency agrees to take affirmative action to employ, advance in employment, and otherwise treat known qualified individuals with disabilities without regard to their physical or mental disabilities in all human resources selection and decision practices, such as: advertising, benefits, compensation, discipline (including probation, suspension,

and/or termination for cause or layoff), employee facilities, performance evaluation, recruitment, social/recreational programs, and training. The Agency will also continue to administer these practices without regard to race, color, religion, gender, sexual orientation, gender identity, national origin, age, marital status or disability. Additionally, all applicants, employees, and members are protected from coercion, intimidation, interference, or discrimination for filing a complaint or assisting in an investigation under this policy.

The Agency will not discriminate or tolerate discrimination against any employee because they are a member of, apply to be a member of, perform, has performed, applied to perform or have an obligation to perform service in a uniformed service (ORS 659A.082).

The Agency will provide an environment for each applicant and employee that is free from sexual harassment, as well as harassment and intimidation on account of individual's race, color, religion, gender, sex, sexual orientation, gender identity, marital status, national origin, age, familial status or disability.

Complaint Process regarding Discrimination or Harassment

The complaint procedure provides a method of resolving complaints involving violation of the Mental Health Regulatory Agency's nondiscrimination policy within the agency. Employees, applicants and eligibles are encouraged to use the complaint process. Retaliation, coercion, reprisal, or intimidation against a person who has filed a complaint either internally or through an outside enforcement agency or other legal channels or serving as a witness is prohibited.

a. Informal Complaint Process

An employee may notify the Executive Director of an issue or concern regarding discrimination in order to raise awareness or put the agency on alert without filing a formal complaint. In these situations:

- i. The employee may ask the Executive Director to keep the matter and identity of the employee confidential. (The agency will comply with the request, if possible.)
- ii. The employee will sign documentation stating that he/she wishes his/her identity to remain confidential.
- iii. The discussion will be documented.
- iv. The Affirmative Action Representative will review the information and maintain confidentiality of the employee's identity when it is determined that action is necessary to correct the problem or to prevent a recurrence in similar situations.

b. Internal Complaint Process

- i. Any individual who believes he/she has been subjected to unlawful discriminatory actions may file a complaint within 30 calendar days of the alleged incident.
- ii. Represented employees may file a complaint either through the Collective Bargaining Agreement grievance procedure or by using the procedures provided by the Agency.
- iii. An employee may submit a written complaint to the Executive Director that explains the basis for the complaint, identifies the alleged discriminating party or parties and the date the discriminatory action(s) occurred, and specifies the relief requested.
- iv. The Executive Director will review/investigate the complaint and provide the complaint written notification of the findings within 30 days. If additional time is needed for investigating the allegations or to issue a report of the findings, the agency will notify the employee in writing of the need for additional time.
- v. If the investigation substantiates the complaint, appropriate corrective action will be initiated, including discipline if warranted.

c. External Complaint Process

If an employee is not satisfied with the complaint process within the agency and wishes to appeal an agency decision, the employee may contact one of the organizations listed below. Nothing in this policy prevents any person from filing a grievance in accordance with the Collective Bargaining Agreement, or from filing a formal complaint with the Bureau of Labor and Industries (BOLI) or Equal Employment Opportunity Commission (EEOC). However, some collective bargaining agreements may require an employee to choose between the complaint procedure outlined in the agency's guideline for filing a BOLI or EEOC complaint.

Oregon Bureau of Labor and Industries - Civil Rights Division

800 NE Oregon St., Suite 1045

Portland, OR 97232

Phone Number: 971-673-0764

The Oregon Bureau of Labor and Industries - Civil Rights Division is the Oregon state equivalent of the federal EEOC. As a designated Fair Employment Practices Agency (FEPA), the Oregon Bureau of Labor and Industries - Civil Rights Division may coordinate operations with the EEOC under a work-share agreement. Furthermore, the Oregon Bureau of Labor and Industries - Civil Rights Division investigates state claims that

are not covered by federal law or exceed the basic protections of federal law. Individuals filing a charge of discrimination with the EEOC should also file a copy of the charge with:

Oregon Bureau of Labor and Industries - Civil Rights Division

- **Eugene**
1400 Executive Parkway, Suite 200
Eugene, OR 97401
Phone Number: 541-686-7623
- **Portland**
800 NE Oregon Street, Suite 1045
Portland, OR 97232
Phone Number: 971-673-0761
- **Salem**
3865 Wolverine Street NE; E-1
Salem, OR 97305
Phone Number: 503-378-3292

Governor's Affirmative Action Office

900 Court Street NE, Suite 254

Salem, OR 97301

Phone Number: 503-986-6524

Website: https://www.oregon.gov/gov/policy/Pages/DEI_AA.aspx

U.S. Equal Employment Opportunity Commission

Seattle Field office EEOC Office/ Federal Office Building

909 First Avenue, Suite 400

Seattle, WA 98104

Phone Number: 1-800-669-6820; ASL Video Phone: 844-234-5122

The EEOC does not maintain an office in Oregon. The Seattle Field Office is open Monday – Friday from 8 a.m. – 3:00pm.

File a Charge of Discrimination:

https://www.eeoc.gov/federal/fed_employees/filing_complaint.cfm

Department of Labor, Office of Federal Contract Compliance (OFCCP)

620 SW Main Street, Suite 411

Portland, OR 97205

Phone Number: 503-326-4112

The U.S. Department of Labor

Pacific Regional Office 71 Stevenson Street, Suite 1700

San Francisco, CA94105

Phone Number: 503-848-6969

The Civil Rights Office of Health & Human Services

Office of Civil Rights, Region D
2201 Six Avenue, Mail Stop RX-11
Seattle, WA 98121

Phone Number: 206-615-2290; TDD Phone Number: 206-615-2296

Mental Health Regulatory Agency Affirmative Action Representative

Charles Hill
Executive Director
3218 Pringle Road SE, Suite 130
Salem, OR 97302-6309
Phone Number: 503-373-1155

The Mental Health Regulatory Agency remains committed to its policy on Affirmative Action and Equal Opportunity and to a rigorous and active affirmative action program. Likewise, the Statement represents the Agency’s commitment to equal opportunity and affirmative action in employment and public service consistent with all applicable federal and state laws, including, but not limited to: Executive Order 11246; Executive Order 16-09; Title VII of the Civil Rights Act of 1964; Sections 503 and 504 of the Rehabilitation Act of 1974; the Vietnam Era Veterans Readjustment Assistance Act; and the Americans with Disabilities Act.

C. Diversity and Inclusion Statement

The Mental Health Regulatory Agency is dedicated to building and maintaining a culture of inclusiveness. We believe that all forms of diversity—age, gender identity, race, sexual orientation, physical or mental ability, ethnicity, socioeconomic status, religion, military status and perspective—create immense value within the agency and helps drive our strong core commitment to public protection. We strive to create a workplace that reflects the stakeholders we serve and where everyone feels empowered to bring their full, authentic selves to work.

D. Affirmative Action Agency Statement

a. Governor’s Policy Advisor

Tina Edlund
900 Court Street NE, Suite 254
Salem, OR
(503) 378-6169

b. Agency’s Affirmative Action Representative

Agency Board and Staff Development:

Charles Hill
Executive Director
3218 Pringle Road SE, Suite 130

Salem, OR 97302-6309
503-373-1155

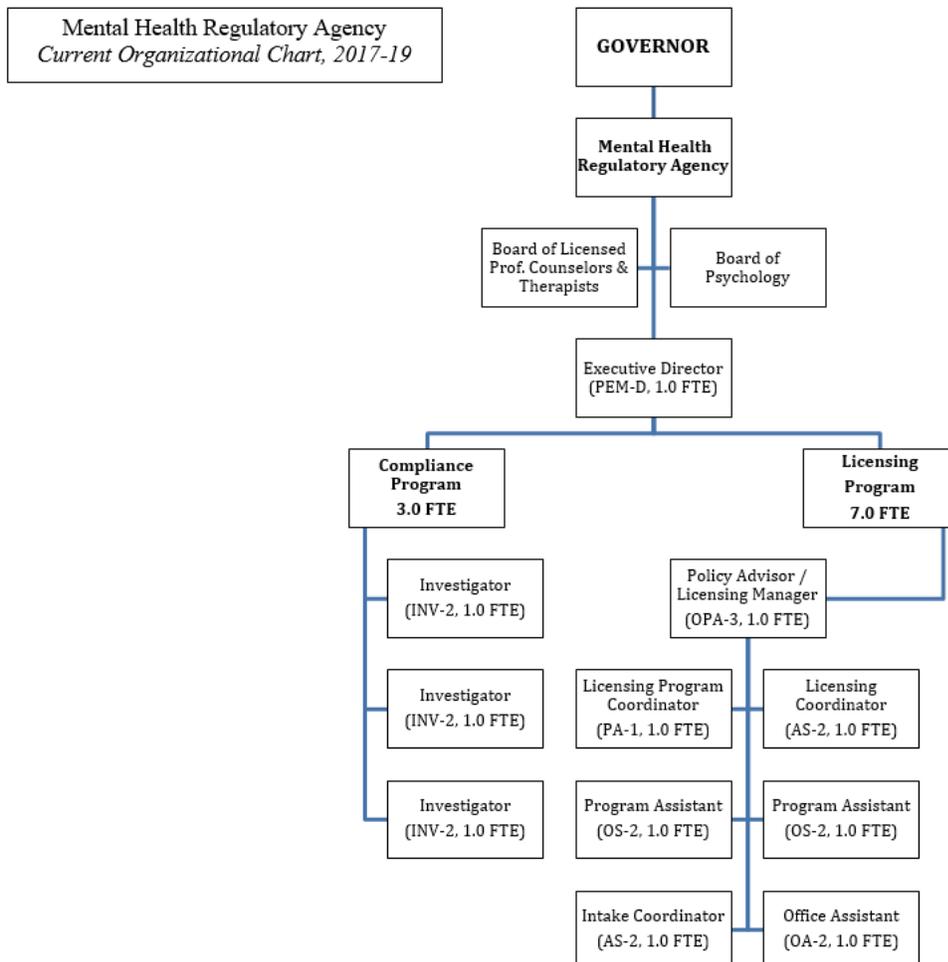
Human Resources & Employee Recruitment:

Vicki Jorgensen
CHRO Human Resource Services Division
Department of Administrative Services
155 Cottage ST
Salem, OR 97301
503-378-2105

Board Member Recruitment:

Mary Moller
Executive Appointments Director
Office of Governor Kate Brown
900 Court Street, Rm 160
Salem, OR 97301
503-373-1558

c. Agency Organizational Chart



d. Agency Human Resources Services

The Agency outsources human resources services to the Department of Administrative Services, Chief Human Resources Office (CHRO) via a service level agreement. The CHRO service package includes leave management, records management, recruitment, position management, HR advice and interpretation, worker compensation and safety support, employee investigations/audits, HR management and limited “soft-skills” training, consultation, affirmative action and inclusion, and iLearn Oregon agency system administration.

Equity is at the forefront of the Agency’s employee hiring and Board member recruitment efforts, promotion considerations, and succession planning. Recently, the CHRO began assisting the Agency in compliance with House Bill 2005 (2017), Pay Equity, in order to ensure that the Agency employees earn an equitable salary based on responsibilities, qualifications, and effectiveness. The Agency Executive Director’s job description includes developing and implementing the Board’s Affirmative Action/ EEOC policy and requirements.

e. Employee Diversity Training / Professional Development

Agency management and Board leadership are expected to attend required training to participate in the development and implementation of a program that fosters cultural competency and multi-cultural organizational development. Because of the small size, the Agency primarily looks to the Governor’s Office of Diversity & Inclusion/ Affirmative Action, the State Chief Human Resources Office, and other sources for statewide diversity training and professional development opportunities. When available, the Agency distributes these opportunities to staff and encourages their active participation.

The Agency actively monitors staff and member completion of required statewide training efforts, for example, preventing sexual harassment and maintaining a harassment free professional workplace in accordance with Statewide Policy 50-010-01. Additionally, licensees of both Boards are required by Board rule to complete and report four hours of continuing education dedicated to cultural competency within each biennial reporting period.

f. Agency Community Engagement Efforts

The Agency strives to continuously communicate the importance of diversity in staff meetings and events, and to include diversity discussions with staff. The Agency welcomes opportunities to incorporate trainings and special project assignments in order for employees to acquire new skills for diversity and succession planning and to provide resources for employees to encourage their career development in state service. It is essential that our staff members have the experiences, perspective and cultural competency to operate in an increasingly diverse environment, and that our agency practices and community relations be effective at fostering positive and mutually supportive relationships within the community.

g. Affirmative Action 2017-19 Objectives

i. *Goals Set and Met*

The goals set by the Oregon Board of Psychology and the Oregon Board of Licensed Professional Counselors and Therapists Diversity & Inclusion / Affirmative Action Statements for the 2017-19 biennium¹ were:

1. Continue to post the Boards' Diversity & Inclusion/Affirmative Action Statement on the Boards' websites, provide it to new board members upon appointment and employees upon hire, and encourage staff to review and discuss questions or concerns with their supervisor.
2. The Executive Director will continue to be evaluated by the Boards annually for adherence to the Statement.
3. Continue to identify the Agency as an Equal Opportunity/Affirmative Action employer and include the statement, "THE [BOARD NAME] IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION EMPLOYER COMMITTED TO WORK FORCE DIVERSITY" in the Boards' recruitment announcements and advertisements.
4. Continue to provide information and opportunities for staff to participate in diversity training and multi-cultural events.
5. Periodically review the results of the Statewide Exit Survey administered by HR to separating employees as required by Executive Order 08-18, and discuss any concerns or trends. As employees change agencies or separate from state employment, the Boards are interested in how employees view their tenure and what information and suggestions they can provide related to their experience. If the analysis identifies a negative opinion regarding the agency's workplace environment, the Boards will use this information as an opportunity to make changes to improve the work environment for the current employees, and improve job satisfaction.
6. Continue to develop strategies to recruit, retain and promote a diverse staff. The Boards recognize the value of individual and cultural difference and creates a work environment where talents and abilities are valued.
7. Continue to work with the Governor's office to identify diverse applicants for board appointment.
8. Revise, as needed, recruitment and promotion policies and criteria for creative options that provide the opportunity for the Boards to recruit a more diverse population and also provide appropriate advancement opportunities for incumbents, including a focus on the retention of women and minorities.

¹ For 2017-19, the Boards submitted separate Diversity & Inclusion / Affirmative Action Statements because the Mental Health Regulatory Agency structure was still pending legislation ([HB 2319](#), 2017) and did not become operative until January 1, 2018.

9. Continue the focus on developing a work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees' differences. A welcoming environment is created a number of ways - by sharing e-mail activity notices from the Governor's Affirmative Action Office, posting posters on the employee bulletin board, encouraging employees to share their thoughts and ideas, responding to issues quickly and efficiently, etc. Respectful workplace behaviors will be expected and enforced.
10. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.
11. Work closely with the Department of Administrative Services to determine appropriate recruitment and training opportunities to develop higher levels of cultural competency.
12. Continue to communicate the importance of diversity in staff meetings and include diversity discussions with staff. The Boards utilize diversity within the workforce by incorporating diverse perspectives into business decisions. Management will attend required training to participate in the development and implementation of a program that fosters cultural competency and multi-cultural organizational development.
13. In 2017-19 the Boards proposed an administrative merger to form the Mental Health Regulatory Agency. This arrangement was expected to result in a larger pool of staff members with shared staff duties and increased opportunities for advancement within the Agency, which was limited due to qualification requirements of only a few positions, further allow for cross-training to accommodate key employee absence, and develop employees' skill sets.
14. Continue to look for opportunities to incorporate trainings and special project assignments in order for employees to acquire new skills for succession planning and to provide resources for employees to encourage their career development in state service, as is reasonably practicable to do.

Examples:

1. In preparation for the 2019 Legislative Session, the Agency Executive Director and Board leadership have worked closely with the Governor's Appointments Office to recruit a sizable and diverse pool of applicants for Board membership.
2. The Agency employs a total of 11.0 FTE as authorized for the 2017-19 biennium. Current staffing levels include 9 staff members and 2 vacant positions. Of the current 9.0 FTE staff, 8.0 FTE (89%) consists of individuals from protected classes, representing no change from the prior biennium. Additionally, the Agency employs 3.0 FTE (37%) veterans.

3. During the 2017-19 biennium, the Agency has hired 3.0 FTE new staff, 100% representing protected classes. Additionally, two staff members, both representing a protected classes, were advanced from part time to full time employment. The Agency's recruitment efforts, in close partnership with the Department of Administrative Services, Chief Human Resources Office, continue to be consistent with the agency's affirmative action goals and objectives.
4. During the 2017-19 biennium, the Agency has internally promoted 2.0 FTE staff members, both representing protected classes and one a veteran. These staff members have accepted higher classified positions with increased responsibility and salary levels. One of these individuals was promoted into a management level position after having gained experience in a work-out-of-class assignment opportunity within the Agency during the prior biennium, and having participated in the Leadership Oregon program for public service leadership skills development, which includes significant cultural competency training.
5. In July of 2018, the Agency's Executive Director created a limited duration promotional advancement opportunity for a current employee from a protected class (a veteran) to develop the employee's career skills while performing higher level duties during the 2017-19 biennium. The Agency is requesting that this position be established as a full-time permanent position as part of the 2019-21 Agency Request Budget.
6. The Boards were successful in their proposal to undergo an administrative merger and form the Mental Health Regulatory Agency during the 2017 Legislative Session. As a result, the unified agency has access to a larger pool of staff members with shared staff duties and increased opportunities for advancement within the Agency (as described above), which has been historically limited due to qualification requirements of only a few positions in past biennia. The merger has also allowed for further cross-training to accommodate key employee absences and facilitated development of employees' skill sets.
7. Beginning in June 2018, the Agency's Executive Director has been participating in the new statewide mentorship program sponsored by DAS CHRO and supported by the Chief Operating Officer, Enterprise Leadership Team and the Governor's Office. The Director is mentoring an individual who is interested in developing skills for a management position within the State. The Director has also participated in the DAS CHRO's Mid-Level Manager Training Program development committee which began in May 2017.
8. The three longest retained staff members (3.0 FTE) represent protected classes, with a combined total of 43 years with the Boards.

9. Agency representatives participated in the Governor's Office's Diversity & Inclusion / Affirmative Action / Equal Employment Opportunity meetings on December 13, 2017, January 18, 2018, March 15, 2018, May 17, 2018, and June 21, 2018. The Agency intends to continue to regularly participate in these meetings during the 2017-19 biennium and forward.
10. On June 13, 2018 the Agency held a potluck to celebrate diversity through food. Staff members who wished to participate brought a dish or beverage that allowed them to share their individual cultural experience, labelling their dishes and discussing their stories during the lunch hour.
11. Agency management has periodically shared diversity activities and information with staff via email. For example, on May 7, 2018 staff were provided information about the history and events surrounding the month of May's Asian American and Pacific Islander Heritage Month.
12. The Agency has posted various new posters portraying equity and culturally diverse opportunities (e.g. information on HispNet, an employee resource group) on the employee bulletin board.
13. The Boards continue to survey all applicants for tracking and reporting language and race statistics. Diversity data is stored in the Board database and can be queried for various types of information. This has enabled Agency staff to assist consumers and referring practitioners in searching for culturally competent services or healthcare providers who speak particular languages or belong to specific racial or ethnic groups.

ii. Goals Set and Not Expected to Meet

1. The Agency has recruited for vacant positions during this biennium, but has not yet utilized different venues such as attending job fairs and trade shows. Due to periods where key staff positions were vacant, and other limited staff have been needed to fill these gaps, it has been difficult to dedicate the time and resources to this particular goal.

h. Affirmative Action 2019-21 Objectives

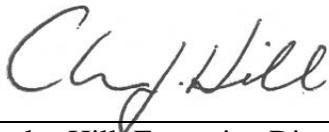
The affirmative action goals set by the Mental Health Regulatory Agency for the 2019-21 biennium are:

1. Continue to post the Agency's Diversity & Inclusion/Affirmative Action Statement on the Agency and Board websites, provide it to new board members upon appointment and employees upon hire, and encourage staff to review and discuss questions or concerns with their supervisor.
2. The Executive Director will continue to be evaluated by the Boards annually for adherence to the Statement.

3. Continue to identify the Agency as an Equal Opportunity/Affirmative Action employer and include the statement, “THE MENTAL HEALTH REGULATORY AGENCY IS AN EQUAL OPPORTUNITY, AFFIRMATIVE ACTION EMPLOYER COMMITTED TO WORK FORCE DIVERSITY” in the Agency’s recruitment announcements and advertisements.
4. Continue to provide information and opportunities for staff to participate in diversity training and multi-cultural events.
5. Periodically review the results of the Statewide Exit Survey administered by HR to separating employees as required by Executive Order 08-18, and discuss any concerns or trends. As employees change agencies or separate from state employment, the Boards are interested in how employees view their tenure and what information and suggestions they can provide related to their experience. If the analysis identifies a negative opinion regarding the agency’s workplace environment, the Boards will use this information as an opportunity to make changes to improve the work environment for the current employees, and improve job satisfaction.
6. Continue to work with CHRO to analyze and receive advice on pay equity to ensure that the Agency employees earn an equitable salary based on responsibilities, qualifications, and effectiveness.
7. Continue to develop strategies to recruit, retain and promote a diverse staff. Identify promotional and developmental opportunities for employees such as cross-training, work-out-of-class assignments, rotations, and specialized training. The Agency recognizes the value of individual and cultural difference and creates a work environment where talents and abilities are valued.
8. Continue to work with the Governor’s office to identify diverse applicants for board appointment.
9. Revise, as needed, recruitment and promotion policies and criteria for creative options that provide the opportunity for the Boards to recruit a more diverse population and also provide appropriate advancement opportunities for incumbents, including a focus on the retention of protected classes and veterans.
10. Continue the focus on developing a work environment that is attractive to a diverse pool of applicants, retains employees, and is accepting and respectful of employees’ differences. A welcoming environment is created a number of ways - by sharing e-mail activity notices from the Governor’s Affirmative Action Office, posting posters on the employee bulletin board, encouraging employees to share their thoughts and ideas, responding to issues quickly and efficiently, etc. Respectful workplace behaviors will be expected and enforced.
11. Encourage employees to avail themselves of promotional and job developmental opportunities within Oregon State Government.

12. Work closely with the Department of Administrative Services to determine appropriate recruitment and training opportunities to develop higher levels of cultural competency.
13. Continue to communicate the importance of diversity in staff meetings and include diversity discussions with staff. The Agency utilizes diversity within the workforce by incorporating diverse perspectives into business decisions. Management will attend required training to participate in the development and implementation of a program that fosters cultural competency and multi-cultural organizational development.
14. Continue to look for opportunities to incorporate trainings and special project assignments in order for employees to acquire new skills for succession planning and to provide resources for employees to encourage their career development in state service, as is reasonably practicable to do.

i. Agency Director Signature



Charles Hill, Executive Director

September 13, 2018

Date