

Policy Statement

Pursuant to the Statewide Discrimination and Harassment Free Workplace policy, DAS 50.010.01, (the “Policy”) the State of Oregon, as an employer, is committed to a discrimination and harassment free work environment.

The Policy applies to all employees including full time, part time, limited duration, temporary service employees, represented service, management service, executive service, and unrepresented service; board and commission members; elected officials, volunteers and interns; others working in an agency; and prospective employees.

Failure to comply with the Policy may result in disciplinary action up to and including dismissal from state service for employees or removal from state activity for volunteers, interns and board and commission members.

Complaint Procedure

The Oregon Health Authority (“OHA”) designated the Equity and Inclusion Division (“E&I”) with the primary responsibility to investigate complaints of harassment, discrimination, and retaliation that may violate the Policy. The following procedures are applicable to OHA.

Nothing in this procedure prevents any person from filing a formal grievance or complaint in accordance with a collective bargaining agreement, with the Bureau of Labor and Industries, with the Equal Employment Opportunity Commission, or from seeking private legal counsel.

Reporting

Complaints of discrimination, workplace harassment, sexual harassment, sexual assault and/or retaliation should be brought to the attention of E&I, the OHA Office of Human Resources (“HR”), a supervisor or another manager. A supervisor or manager who receives a complaint should promptly notify E&I or HR.

A complaint can be made orally or in writing. The complaint should contain: the name of the person making the complaint (“Complainant”), the name of the person who experienced discrimination, workplace harassment, sexual harassment, sexual assault and/or retaliation; the name of the person who is alleged to have violated the Policy (“Respondent”); the names of other people involved, including witnesses; and a specific and detailed description of the conduct or action the employee believes is a Policy violation.

Managers and supervisors are held to a higher standard and must report all allegations of discrimination, workplace harassment, sexual harassment, sexual assault or retaliation that they know about or should know about.

The Complainant can complete the [Equal Employment Opportunity Discrimination/Harassment Complaint Form](#). The complaint form is not required to initiate the complaint process.

Complaint Forms can be submitted via email, fax or mail to:

Civil Rights Unit

Equity and Inclusion Division

421 SW Oak Street, suite 750

Portland, OR 97204

971-673-1330 (confidential fax)

OHA.InternalCivilRights@odhsoha.oregon.gov

Investigation Process

After receipt of a complaint (email, phone call or information from HR/Manager will constitute a complaint), E&I Civil Rights Strategists will follow the process described below:

1. Strategists will contact Complainant and acknowledge receipt of the complaint.
2. Strategists will review the complaint to determine if the allegations fall under the Policy, or if more information is needed. If more information is needed, the strategist will schedule a meeting with Complainant. Either based on the complaint, or the additional information provided by Complainant, if the allegations do not fall under the Policy, the matter will be referred to HR for potential violations of other state policies, including the [Maintaining a Professional Workplace, DAS policy 50.010.03.](#)
3. Strategists will schedule a meeting with Complainant to gather more information about the allegations.
4. Strategists will send notice letters to Complainant and Respondent detailing the allegations, to the extent possible this will occur within 30 days of receipt of the complaint.
5. Strategists will schedule interviews with the Respondent and any witnesses.
6. Strategists will collect and review relevant documents and other relevant information including video.
7. Strategists will email updates to Complainant and Respondent (including a union steward or management representative if applicable) every 30 days until the investigation is complete.
8. Strategists will draft a report containing the allegations, the facts determined in the investigation and whether or not the allegations were substantiated by a preponderance of evidence.

9. To the extent possible, Strategists will complete the investigation within 120 days.
10. Strategists will send closure letters to Complainant and Respondent, which will include the findings of the investigation. Witnesses will receive notice that the investigation is complete but will not be informed of the findings.
11. A Complainant or Respondent may request a copy of the report by sending a written request to the strategist with their mailing address. Only hard copies of the report are mailed.
12. OHA Office of Human Resources is responsible for final action on the matter.
13. Unless Complainant has signed a waiver, E&I will follow up with Complainant every three months for a calendar year to determine whether the alleged harassment has stopped or if Complainant has experienced retaliation.

Confidentiality

Confidentiality will be maintained to the extent that the investigation allows.

The supervisor or manager will be involved to the extent necessary. The OHA Director's Office will also be notified that an investigation is underway and when closure letters are issued. Information shared will be for the purpose of conducting a thorough investigation.

Reconsideration Process

Complainant or Respondent may request that a finding be reconsidered if there is a new information unknown during the time of the investigation. A Reconsideration Form must be filed with E&I within **20 working days** of the date that the investigative report or letter of finding was issued. The OHA Deputy Director's Office will then determine whether to reopen the investigation or not based upon the information provided in the [Reconsideration Form](#).

Reconsiderations are to be submitted to:

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Equity and Inclusion Division

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Portland, OR 97204

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OHA.InternalCivilRights@odhsoha.oregon.gov

No Retaliation

Retaliation against any individual who files a complaint, reports inappropriate behavior or participates in an investigation via this procedure is prohibited.

Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal from state service.

For more information, visit the [Discrimination and Harassment Free Workplace OWL site.](#)

If you would like to request this document in an accessible alternative format or language please contact OHA.InternalCivilRights@oha.oregon.gov or 971-683-1284, 711 TTY.