



**DEPARTMENT OF CORRECTIONS
Human Resources**



Title:	Promotion and Maintenance of a Respectful Workplace	DOC Policy: 20.6.1
Supersedes:	1/1/99	
Applicability:	All employees, volunteers, and contract service providers	
Directives Cross-Reference:	State Policy 50.010.01, ORS 659.030(1) Civil Rights Act of 1964	

I. PURPOSE

To reaffirm that it is the policy of the Department of Corrections to prohibit discrimination and workplace harassment; to clarify conduct that constitutes workplace harassment; and to provide an effective complaint procedure for employees who believe they have been the victims of prohibited conduct. This policy is intended to protect all employees, customers, clients, contractors and visitors to the worksite.

II. DEFINITIONS

- A. Sexual harassment is a form of workplace harassment. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical behavior of a sexual nature when:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or is used as a basis for any employment decision (granting leave request, promotion, favorable performance appraisal, etc.); or
 2. Such conduct is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

III. POLICY

It is the policy of the Department of Corrections to provide a work environment free from behavior, action, or language, which may be perceived by others as discriminatory or harassing.

- A. **Discrimination.** It is the policy of the Department to provide a work environment free from unlawful discrimination on the basis of race, color, religion, sex, marital status, national origin, disability, age, union membership and activity, or any other factor that an employer is prohibited by law from considering when making employment decisions. For purposes

of this policy, prohibited discrimination includes discrimination on the basis of sexual orientation. This policy applies to all matters relating to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

B. Workplace Harassment. It is also the policy of the Department that all employees, customers, clients, contractors and visitors to the work site enjoy a work environment that is free from harassing behavior.

1. Employees at all levels shall be expected to interact with co-workers, inmates and the public in a business-like and professional manner at all times. This includes refraining from sexual or other harassment.

Conduct in violation of this policy will not be tolerated. Any member of the staff found to have engaged in conduct in violation of this policy will be subject to disciplinary action up to and including dismissal.

2. Supervisors and managers shall serve as role models for subordinates, educate staff, respond to and investigate actions that may be discriminatory or harassing in nature.

Managers and supervisors who know or should have known of workplace harassment behavior and who fail to report such behavior, or fail to take prompt, appropriate, corrective action, will be subject to disciplinary action up to and including dismissal.

C. Any employee, volunteer or contract employee who alleges discrimination or harassment in the workplace may submit a complaint as outlined in this policy.

1. Anyone who is subject to, or aware of, what he or she believes to be employment-related discrimination may file a complaint with his or her immediate supervisor, another manager, or a human resources consultant. A complaint should be filed within 30 calendar days of the alleged act(s) or when the act(s) becomes known to or should reasonably be known by the complainant.

2. Anyone who is subject to or is aware of harassing behavior should report that information immediately to agency management. If at all possible, the report should be made before the behavior becomes severe. The complaint may be reported to the employee's immediate supervisor, another supervisor, or a human resources consultant. Employees may report to any of the persons listed above and need not observe any particular chain of command.

3. Complaints of discrimination or workplace harassment may be made verbally or in writing and must include the following: 1) name of the complainant; 2) the names of person(s) alleged to have engaged in the prohibited conduct; 3) a specific and detailed description of the

conduct which the employee believes is discriminatory; and 4) a description of the remedy the employee desires.

4. The recipient of a discrimination or harassment complaint shall promptly notify the human resources consultant to discuss and determine the appropriate person(s) to be responsible for the investigation. The complaint will be given prompt and thorough attention with an impartial investigation.

All staff can be assured that such complaints will be taken seriously and will be investigated as necessary. They will be dealt with in a discreet and confidential manner to the extent possible.

5. When an investigation substantiates the complaint, the supervisor shall initiate immediate and appropriate corrective action, which may include disciplinary action up to and including termination. The affected parties shall be informed that the investigation has concluded and that immediate appropriate corrective action will be taken. If the complaint involves persons outside the agency, appropriate measures shall be taken to remedy the problem.

6. Nothing in this policy precludes any person from filing a formal grievance in accordance with a collective bargaining agreement, or with the state's Affirmative Action Office, the Bureau of Labor and Industries, or the Equal Employment Opportunity Commission. Timelines for filing complaints with BOLI and the EEOC are different from those established in this policy. Contact them directly for specific guidance on filing a formal grievance with them.

- D. **Non-Retaliation.** This policy prohibits retaliation against employees who bring charges of conduct in violation of this policy or assist in investigating charges, or who report harassing behavior directed at persons other than the employee. Any employee found to have engaged in retaliatory action or behavior will be subject to discipline, up to and including dismissal.

IV. POLICY CLARIFICATION

- A. The following are examples of prohibited behavior (it should be understood that the examples are not meant to be all-inclusive and even one instance of such conduct may constitute harassment):

1. Unwelcome touching or closeness of a personal nature, which can encompass leaning over, cornering or pinching;
2. Sexual innuendoes, teasing and other sexual talk such as jokes, intimate inquiries, persistent unwanted courting and sexist put-downs or insults;

3. Derogatory remarks, slurs and jokes about a person's national origin, race, color, religion, language, accent, disability or sexual orientation;
4. Displays of explicit or offensive calendars, posters, pictures, drawings or cartoons which reflect disparagingly upon a class of persons or a particular person.

V. IMPLEMENTATION

This policy will be adopted immediately without further modification.