



OREGON YOUTH AUTHORITY

Policy Statement

Part 0 - Mission, Values, Principles



Subject:

Harassment-free Workplace

Section – Policy Number:

0-3.0

Supersedes:

0-3.0 (02/06)
I-D-1.2 (01/96)

Effective Date:

01/08/2016

Date of Last Review/Revision:

None

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, Chief Human Resource Office (DAS-CHRO) 50.010.01 ([Harassment-Free Workplace](#)); 50-010-03 [Maintaining a Professional Workplace](#)
- [OAR 105.040.001](#) (Equal Employment Opportunity and Affirmative Action)
- American Correctional Association, *Standards for Juvenile Correctional Facilities*; 4-JCF-3A-02 (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)
- [OYA form](#): YA 8600 (OYA Complaint Form)

Related Procedures:

- None

Policy Owner:

Human Resources Manager

Approved:

Fariborz Pakseresht, 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. Abusive, demeaning, or hostile behavior will not be tolerated and is subject to the complaint process of this policy.

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 to communicate such concerns in the manner they feel is most safe, and are encouraged to do so. This may include advising the offending person about the person's behavior.

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

OYA recognizes that staff who work directly with youth are at risk of experiencing harassing behavior by youth. While harassing behavior of any type is not tolerated within OYA, staff response to situations involving youth will be handled according to OYA policy 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. Corrective action may include disciplinary action up to and including dismissal of staff, or termination of volunteer service.
- C. Management responsibilities (including executive-level staff)
 - 1. Management staff are expected to be alert to activity in the workplace which may constitute harassment in any form. Management staff 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 must ensure an OYA Complaint Form (YA 8600) is available to staff who wish to file alleged violations under Department of Administrative Services (DAS) policy 50-010-03 Maintaining a Professional Workplace.
 - 3. Management staff will consult with the Human Resources Office regarding observed or reported harassment allegations.
 - a) The reporting management staff and the Human Resources manager/designee will determine the best approach to address the questionable behavior, and determine any corrective action to be taken.
 - b) OYA will provide confidentiality to the greatest extent possible for both the complainant and the alleged respondent during its investigations of harassment allegations.
 - 4. 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 member who reports directly or indirectly to them, regardless of gender.

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

If such a relationship does develop, the management staff must immediately notify the appropriate assistant director, deputy director or director, and the Human Resources manager of the

relationship. The workplace reporting structure will be evaluated. If possible, an alternative reporting structure, work assignment or work location may be considered for either party in the relationship based on agency operational need. Availability of these alternative options is not assured.

Failure to make such close 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.)

5. Management staff are expected to communicate this policy to their subordinates and to provide leadership in carrying out its intent.
6. Management staff that are aware, 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 action up to and including dismissal.

D. Staff responsibilities

1. Staff have the following options to address harassing behavior:
 - a) Notify the offending person of the harassing behavior and request that the behavior stop. It is recommended that the notification be documented.
 - b) Inform management staff of the harassing behavior.
 - c) Inform the offending person and management staff of the harassing behavior.
 - d) Complete the OYA Complaint Form (YA 8600).
2. If the offending person is a management staff, the reporting staff must report the behavior to the next immediate management staff or Human Resources staff.

E. Complaint process

1. Staff may pursue the complaint process described in section IV of this policy for any alleged harassment.
2. The following process delineates how an internal harassment complaint is filed.
 - a) Staff:
 - (1) Report incident(s) to their supervisors/managers, any other management staff, or the Human Resources manager/designee. The complaint may be oral or written.

- (2) SEIU-represented staff may have union representation during this process.
- b) Supervisor or manager: Document the report and immediately contact the appropriate supervisor/manager or the Human Resources manager/designee regarding the oral or written complaint.
- c) Human Resources manager/designee: Determine 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 any corrective action;
 - (5) Implementing corrective or disciplinary action pursuant to the collective bargaining agreement, state policy, and federal laws as appropriate; and
 - (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

If the alleged harassment is a violation of state or federal law (harassment based on race, color, national origin, physical or mental disability, age, religion, sex, sexual orientation, or 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.

- 1. Grievance process
 - a) Classified represented staff may file a grievance in accordance with the SEIU collective bargaining agreement, or the AFSCME collective bargaining agreement, whichever is applicable to the represented staff.
 - b) Classified unrepresented, unclassified unrepresented, management, executive service, temporary employees, or volunteers may not file a grievance through a collective bargaining agreement, but may file a complaint in accordance with this policy.
- 2. Staff may also choose to pursue a harassment complaint with the entities described in below.

- a) The OYA Human Resources Office, the Oregon Bureau of Labor and Industry (BOLI), or the Equal Employment Opportunity Commission (EEOC) to determine if the harassing behavior is illegal.
- b) 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 PROTOCOL REQUIRED: NO