Administrative Policy No. 18.66

Subject: Discrimination, Harassment, Sexual Harassment, and Retaliation

Information Contact: Human Resources Division

Authorizing Source:
Title VII of the Civil Rights Act of 1964, as amended
Chapter 49.60 RCW – Discrimination – Human Rights Commission (also known as Washington's Law Against Discrimination or WLAD)
Chapter 357-34 WAC Employee Training and Development
Governor's Executive Order 89-01 Sexual Harassment
SHR Directive 20-03

Effective Date: July 1, 2005

Revised: February 6, 2026 [1] Housekeeping update 3/25/2026 [2] Housekeeping 7/1/2026

Approved By: **Original approved by Wendy Long**
Senior Director, Human Resources Division

Purpose

The Department of Social and Health Services (DSHS) is committed to providing equal employment opportunities and a workplace that is free from all forms of discrimination and harassment, including sexual harassment, and retaliation in the workplace. Employees may raise a complaint when they believe they have experienced discrimination, harassment, sexual harassment, or retaliation in the workplace.

This policy is a part of DSHS's commitment to fairness, removing barriers, and employees feeling valued and connected, and a workplace that is free from harassment, disrespect, and divisiveness.

Actions that do NOT violate this policy include the appropriate exercise of supervisory responsibilities. These responsibilities include, but are not limited to:

- Providing direction or feedback about an employee's job performance and behavior;
- Monitoring and follow-up actions on job performance; and
- Providing guidance to change or adjust job priorities.

Scope

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This policy applies to all DSHS employees, applicants for employment, managers, supervisors, interns, and volunteers (whether paid or unpaid).

If a provision of this policy is in conflict with a collective bargaining agreement (CBA), the CBA will supersede the provision in which it conflicts.

Additional guidance:

Administrative policies:

- 18.37 Performance management
- 18.40 Discipline
- 18.58 Washington management services
- 18.67 Domestic violence/reasonable safety accommodations
- 18.89 Investigations
- 18.93 Respectful workplace
- 18.97 Employee misconduct
- 18.98 Response to complaints of discrimination filed with an external agency

DSHS 02-763 Request for employee investigation form
DSHS 02-764 Complaint request form

Definitions:

Adverse employment action: Discharging, disciplining, or otherwise penalizing an employee; threatening to discharge, discipline, or otherwise penalize an employee; and failing or refusing to hire an applicant.

Discrimination: Unfavorable or unfair treatment of a person or class of persons because the person or class of persons is a member of a protected class as defined below; or complaints related to discrimination against a person because they are a member of a protected class.

Harassment: Unwelcome conduct in the workplace because the person is a member of a protected class. Harassment is a violation of this policy when enduring conduct is a condition of continued employment or it creates a work environment that is intimidating, hostile, or abusive. The conduct, to be harassment, must be subjectively abusive to the affected person; and objectively severe and pervasive enough to create a work environment that a reasonable person would find hostile or abusive.

Higher standard: Holding employees in positions of authority or power, such as supervisors, managers, and appointing authorities to a higher level of scrutiny and accountability for 1) modeling appropriate behavior, 2) holding employees accountable for conduct not consistent

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with DSHS policies, and 3) meeting reporting and performance expectations. Steps in corrective action or progressive discipline may be bypassed based on the severity of the conduct.

Member of a protected class: A person is a member of a protected class based on race, color, religion, sex, gender expression, sexual orientation, national origin, citizenship or immigration status, age, marital status, veteran status, mental or physical disability, or other protected characteristic.

Retaliation: Adverse employment action(s) against individuals because they have reported instances of prohibited behavior (including discrimination, harassment, sexual harassment, or allegations of such conduct) or participated in or have been witnesses in any procedure to address a complaint of such behavior.

Workplace sexual harassment: The unwelcome language or conduct is sexual in nature **and** is based on sex or gender, **and**:

1. The conduct is made either explicitly or implicitly a term or condition of employment: **and**
2. Submission to or rejection of such conduct is used as the basis for employment decisions.

OR

3. The unwelcome language or conduct is sexual in nature **and** was based on sex or gender, **and** has the purpose or effect of:
   a) Unreasonably interfering with an individual's work performance; **or**
   b) Creating an intimidating, hostile, or offensive work environment.

Policy Requirements

A. Prohibited actions

1. DSHS does not tolerate discrimination, harassment, sexual harassment, or retaliation in the workplace. See also AP 18.98

2. Prohibited actions and behaviors may include verbal, non-verbal, and physical behaviors, actions, or conduct.

3. Actions that violate this policy are not limited to the physical workplace. Violations can occur during work-related activities, including but not limited to:
   a. Work-sponsored events.
   b. Work-sanctioned training.
   c. Work-related travel.
   d. Communications via phone, email, text, social media, Teams or Zoom meetings, or by other electronic means. Such behavior can also occur outside of scheduled work time.

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4. Any DSHS employee who engages in discrimination, harassment, sexual harassment, or retaliation outside of the workplace or outside of work hours may be subject disciplinary action, including up to dismissal, where such behavior is determined to be detrimental to work performance, or an agency program. See AP 18.40 or employee's CBA.

B. Roles and responsibilities

1. Employees are responsible for:

a. Exhibiting appropriate behavior, creating and maintaining a work environment free from discrimination and harassment, and complying with this policy.
b. Creating and maintaining a respectful work environment, free from violence and intimidation. See AP 18.67 and 18.93.
c. Completing sexual harassment awareness and prevention trainings. Employees are responsible for taking the training within six months of their initial hire per WAC 357-34-100. Additional training must be completed on an annual basis or as DSHS deems appropriate.
d. Reviewing this policy as part of the annual checklist and complying with this policy.
e. Notifying a supervisor, appointing authority, or HRD business partner when they observe behavior that violates this policy. See AP 18.89.
f. Consulting with their supervisor, appointing authority, or HRD business partner, if the employee has questions whether there is a violation, to help determine whether a potential violation is required to be reported. If not, the program may resolve the issue at the local level. If the behavior requires reporting, the supervisor, appointing authority, or their designee must report the alleged violation as outlined in Section 2 below.

2. Supervisors and managers are responsible for:

a. Modeling appropriate behavior**,** creating and maintaining a work environment free from discrimination and harassment, and complying with this policy.
b. Completing training for supervisors'/ managers' roles and responsibility regarding sexual harassment per WAC 357-34-105. Training to be completed on an annual basis or as DSHS deems appropriate.
c. Ensuring new employees receive training on this policy within the first six months of their employment and annually thereafter or as DSHS has deemed appropriate and that it is documented in the Washington State learning center per AP 18.34. WAC 357-34-100
d. Ensuring staff review this policy annually as part of the annual checklist).
e. Reporting all observed and reported allegations of behaviors which may violate this policy, per AP 18.89.

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f. Consulting with the assigned HRD business partner to determine if the conduct should be reported, if they are unsure if the conduct is a violation of this policy. Consulting with appointing authority to determine appropriate action calculated to stop discrimination, harassment, or retaliation that is observed or of which they become aware.

g. In situations where an employee discloses potential discriminatory, harassing, or retaliatory behavior to have occurred against them but the employee does not want to make a formal complaint, or when the complaining party changes their mind and retracts the complaint, the supervisor or manager still must report the alleged violation per AP 18.89. Additionally, the supervisor or manager must follow up with the employee regarding any safety plan requirements. See AP 18.67.

3. Appointing authority responsibilities

a. Appointing authorities are responsible to ensure appropriate corrective or disciplinary action has been taken when the appointing authority determines the facts support that discrimination, harassment, sexual harassment, or retaliation has occurred, and after the appointing authority has consulted with their HRD business partner. See AP 18.40.

b. Appointing authorities will be held to a higher standard of accountability for compliance with this policy.

4. HRD is responsible for:

a. Providing technical assistance and consultation on a case-by-case basis.

b. Providing training regarding discrimination, harassment, sexual harassment, and retaliation in the workplace.

c. Evaluating and, where necessary, determining the proper investigative approach for all violations of this policy. See AP 18.89.

C. Reporting

1. Employees are encouraged to tell other employees who appear to be in violation of this policy directly that the behavior is unwelcome and attempt to resolve the issue at the first level. If they are not comfortable doing so, or if an attempt has been unsuccessful, the employee who is alleging a violation of this policy should report the violation as outlined below.

2. Alleged violations of this policy may be reported by anyone using the DSHS 02-764 Complaint Report form to the HRD employee relations unit (ERU) using any of the following approaches:

- EMAIL: investigationsupport@dshs.wa.gov
- VOICE: (360) 725-5821 or 1-800-521-8060

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- TTY: (360) 586-4289 or 1-800-521-8061
- FAX: (360) 586-0500

3. The filing of an initial complaint and subsequent investigation will be maintained as confidential information to the extent possible and as required by law.

4. Any employee or volunteer who observes or is subjected to an alleged violation of this policy may contact their supervisor, appointing authority, HRD business partner or HRD ERU, for assistance in reporting the potential violation.

5. Reporting potential discrimination, harassment, sexual harassment, or retaliation to DSHS does not prevent a person covered by this policy from also making a complaint in a different forum. All persons covered by this policy have the right to file discrimination, harassment, and retaliation complaints with outside agencies such as the Washington State Human Rights Commission (WSHRC) and the United States Equal Employment Opportunity Commission (EEOC). See AP 18.98. There may also be applicable local laws preventing harassment and county or city agencies that can investigate claims of harassment. Reports may be made to:

   - Washington State Human Rights Commission (WSHRC) www.hum.wa.gov; 1-800-233-3247
   - US Equal Employment Opportunity Commission (EEOC) www.eeoc.gov; 1-800-669-4000, 1-844-234-5122 (ASL Video Phone)

6. Written or verbal allegations will be promptly investigated as outlined in AP 18.89.

D. Penalty for violations of this policy

1. Employees who are found to violate this policy may be subject to corrective or disciplinary action.
2. Supervisors and managers who fail to take prompt and immediate steps to prevent and/or report alleged violations of this policy, may be subject to corrective or disciplinary action, up to and including dismissal. See AP 18.40 or the employee's CBA.
3. Non-employees engaging in violations of this policy may be subject to other appropriate DSHS action, including but not limited to termination of volunteer activities.
4. Appointing authorities, managers, supervisors, or other employees in positions of authority or power will be held to a higher standard of accountability for compliance with this policy.

DSHS Original

[1] Removed reference to AP 20-02 and replace with AP 18-98.
[2] SHR Directive 20-03, this policy must undergo sunset review every 3 years rather than every four years, so HRD is requesting a housekeeping revision to the sunset review date to reflect February 6, 2029. Additionally, HRD is requesting a correction to the policy number reference in A.1. to correct it to 18.98.

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