

## **Administrative Policy No. 18.66**

**Subject:** Discrimination, Harassment and other Inappropriate Behaviors

**Information Contact:** Human Resources Division

**Authorizing Source:** [Civil Rights Act of 1964](#), as amended  
[Chapter 49.60 RCW](#)  
[Chapter 357-25 WAC](#)  
[Governor's Executive Order 89-01](#)

**Additional Resource:** [Administrative Policy 18.17](#) – Employment of Relatives or Household Members

**Effective Date:** July 1, 2005

**Revised:** July 17, 2019

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

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### **Purpose**

This policy identifies and prohibits behaviors that are inconsistent with a safe and harassment free work environment, and identifies behaviors which DSHS will not tolerate.

### **Scope**

This policy applies to all DSHS employees, applicants for employment, board members, managers, supervisors, interns and volunteers (whether paid or unpaid), contractors, vendors, customers, and all persons conducting business with DSHS.

### **Policy Requirements**

DSHS is committed to providing a workplace that is free from all forms of discrimination and harassment, including sexual harassment, retaliation, and other inappropriate behaviors. This DSHS policy is part of the agency's overall efforts to provide a workplace free from discrimination and retaliation, pursuant to local, state and federal laws prohibiting discrimination based on age, race, color, creed, religion, national origin, honorably discharged veteran and military status, marital status, disability, sexual orientation, gender identity or expression, and sex, or any other characteristic that is protected by law.

This policy is also part of the DSHS commitment to diversity and inclusion, and a workplace that is free from harassment, disrespect, and divisiveness.

DSHS will not tolerate discrimination, harassment, or inappropriate behaviors of any kind. Through this policy DSHS will educate its employees and work to prevent these behaviors from occurring. When behaviors that might violate this policy are substantiated, appropriate action will be taken.

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;
- Guidance to change or adjust job priorities.

A. **Prohibited actions**

1. **The following actions are prohibited:**

- A. **Sexual harassment is prohibited:** Sexual harassment is defined as unwelcome language or conduct of a sexual nature, or language or conduct that is because of sex, when:
- i. Such language or conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment (this can happen even if the complaining party is not the intended target of the sexual harassment);
  - ii. Such conduct is made either explicitly or implicitly a term or condition of employment; or,
  - iii. Submission to or rejection of such conduct is used as the basis for employment decisions.
- B. **Other forms of harassment are prohibited:** Harassment occurs through verbal, non-verbal, or physical conduct that denigrates, shows hostility or aversion toward an individual because of their race, color, religion, gender expression, sexual orientation, gender identity, national origin, marital status, age, honorably discharged veteran or military status, genetic information, or disability (including use of a trained dog guide or service animal), or that of their relatives, friends, or associations. While not prohibited by law, DSHS prohibits these same forms of harassment toward an individual because of his or her status as a victim of domestic violence, sexual assault, or stalking.
- C. **Retaliation is prohibited:** Retaliation against any person for filing a complaint about any prohibited behavior including allegations of discrimination or harassment, for cooperating or participating in an investigation of such a complaint, including serving as an investigator, or for opposing discriminatory employment practices will not be tolerated. Retaliation could include, but is not limited to, harassment or adverse employment actions.

2. **Reporting prohibited action violations to HRD:** The human resources division

(HRD) employee investigations unit is responsible to evaluate and, where necessary, determine the investigative approach for all violations of section A.1 of this policy. Violations of section A.1 may be reported by anyone to the HRD employee investigations unit using any of the following approaches:

- EMAIL: [iraucorplaints@dshs.wa.gov](mailto:iraucorplaints@dshs.wa.gov)
- VOICE: (360) 725-5821 or 1-800-521-8060
- TTY: (360) 586-4289 or 1-800-521-8061
- FAX: (360) 586-0500

**3. External process for reporting prohibited action violations**

Reporting harassment to DSHS does not stop 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). 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 (HRC)  
[www.hum.wa.gov](http://www.hum.wa.gov); 1-800-233-3247
- US Equal Employment Opportunity Commission (EEOC)  
[www.eeoc.gov](http://www.eeoc.gov); 1-800-669-4000, 1-844-234-5122 (ASL Video Phone)

**B. Supervisor/employee personal relationships**

1. A DSHS employee must notify the appointing authority if the employee is contemplating entering into or continuing a relationship that is romantic or sexual in nature with another employee where one employee is, or will be, in the chain of command or in a lead worker role over the other employee.
2. When the appointing authority becomes aware of the relationship, he or she will review the situation with DSHS human resources. The review will include:
  - a. An assessment of reporting relationships.
  - b. The effect on co-workers and other relevant factors.
  - c. Whether moving one or more of the involved employees to another position within the administration is necessary. If so:
    - i. The appointing authority will consult with HRD to determine the employee to be moved. The final decision will be based on which move will be least disruptive to the administration as a whole.
    - ii. If positions are available for involved employees in other program areas, and if the appointing authority finds that moving any involved employee would be no more disruptive than moving another involved employee, the involved employees may decide who will apply for a new position.
    - iii. If the employees cannot reach a decision, or the employee is not chosen for the position to which he or she has indicated an interest to alleviate the reporting relationship, the employees will contact the appointing authority. Management will make the final decision based on business

needs.

- iv. The appointing authority may also move any involved employee(s) of consenting romantic or sexual relationship to a different chain of command, or take other actions as appropriate.
3. The requirements contained in section B (this section) do not apply to personal relationships between employees who do not work in the same chain of command or to employees who do not have lead work, supervisory, or management responsibilities over the other employee. This requirement also does not apply to employment of relatives or household members, which is covered by the separate [DSHS Administrative Policy 18.17](#), Employment of relatives or household members.

**C. Inappropriate behaviors:**

1. **Inappropriate behaviors prohibited.** It is the policy of the DSHS that all employees have the right to conduct their work activities in an environment that is free from any form of inappropriate behavior. Inappropriate behavior means behaviors that create a disrespectful, intimidating, or offensive environment or that interfere with an employee's work performance. Inappropriate behavior does not include behaviors based on a person's protected group status that are covered in section A.1 of this policy.
2. Conduct that violates section C.1 may include, but is not limited to verbal, non-verbal, and physical behaviors or conduct.
3. **Reporting inappropriate behavior.** Allegations of inappropriate behaviors may come from other employees, volunteers, contactors, members of the public, or others doing business with DSHS.
  - a. Employees observing or who become aware of inappropriate behavior violating section C.1 of this policy must promptly report it to any supervisor in their chain of command or to the human resources division staff assigned as the primary HR resource to the functional unit led by the appointing authority. This report may be made orally or in writing.
  - b. When supervisors or managers become aware of potential or alleged misconduct, within their chain of command, they must handle the issue in accordance with the direction provided by their appointing authority. Any allegation of misconduct which might potentially lead to a written reprimand, reduction in pay, suspension, demotion, or dismissal must be promptly reported to the appropriate appointing authority.
  - c. When supervisors or managers become aware of inappropriate behavior which violates section C.1 outside of their chain of command, they must report the allegation to either the accused employee's supervisor, their appointing authority, or both.
  - d. Appointing authorities, supervisors, and managers must consult with their assigned HRD representative in determining the appropriate approach to the intake or investigation.

**D. Location and timing of behavior**

Behaviors that violate this policy are not limited to the physical workplace. Violations can occur during travel, at events sponsored by DSHS, or via phone, email, text, social media or any form of electronic communication. Such behavior can also occur outside of scheduled work time. Persons covered by this policy who engage in discrimination, harassment, and other inappropriate behavior outside of the workplace or outside of work hours will be subject to disciplinary action as outlined in section F of this policy.

**E. Roles and responsibilities**

**1. All DSHS employees are responsible to:**

- a. Exhibit appropriate behavior and comply with this policy
- b. Report violations of section A.1 of this policy to their immediate supervisor or chain of command, to the supervisor of the alleged offending employee or their chain of command, and to the HRD as provided in section A.3 of this policy.
- c. Report allegations of inappropriate behaviors as outlined in section C.3 of this policy.

**2. Managers and supervisors, are additionally responsible to:**

- a. Model appropriate behavior.
- b. Provide each employee with a copy of the Nondiscrimination Policy brochure (DSHS 171) upon hire.
- c. Ensure new employees receive training on this policy within the first six months of their employment.
- d. Ensure staff review this policy annually and the review is documented in the employee's personnel file.
- e. Stop and report all observed and reported allegations of behaviors which may violate this policy. If a complaint is reported to a supervisor or manager they must handle the complaint as provided in either section A.3 or section C.3 of this policy, or both.
- f. Consult with the assigned HR manager and appointing authority to determine appropriate action calculated to stop harassment and discriminatory behavior, or other inappropriate behavior, that is observed or of which they become aware.
- g. In situations where a person discloses prohibited actions outlined in section A.1 but does not want to make a formal complaint, or when the complaining party changes their mind and retracts the complaint, the manager or supervisor is still obligated to act upon the information and follow the reporting process contained in section A.3.
- h. Appointing authorities are responsible to ensure appropriate corrective or disciplinary action has been taken when harassment, discriminatory behavior, or other inappropriate behavior occurs, and to provide closure to the complainant.

**3. DSHS Human Resources will provide managers and employees with:**

- a. Technical assistance and consultation on a case-by-case basis;
- b. Training to prevent harassment, discrimination, and inappropriate behavior of a sexual nature in the workplace; and

- c. Investigative resources of the HRD employee investigations unit as outlined in section A.3 of this policy.

**F. Penalty for violations of this policy**

Managers and supervisors who fail to report alleged violations of this policy, and all employees who violate this policy, may be subject to disciplinary action up to and including dismissal.

Non-employees may be subject to other appropriate departmental action, including but not limited to termination of volunteer activities, or cancellation of contracts.

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