

# Great Rivers Behavioral Health Administrative Services Organization

Policy Title:	<b>Equal Employment Opportunity &amp; Harassment</b>	Policy No. <b>9003.00</b>
Category:	Employment Policy Manual	Date Adopted: 12/11/2020 Date Reviewed:
Reference:		

## **POLICY:**

- 1.1. Great Rivers BH-ASO is an equal opportunity employer and prohibits discrimination and harassment based on race, color, religion, creed, sex/gender, national origin, age, marital status, the presence of any sensory, mental, or physical disability, HIV or Hepatitis C status, the use of a trained dog guide or service animal by a person with a disability, sexual orientation/gender identity, veteran status, or any other status protected by law. This prohibition underscores Great Rivers BH-ASO's commitment to provide a work environment free from unlawful discrimination and harassment for its employees, the public it serves and those with whom Great Rivers BH-ASO conducts business.
- 1.2. This policy applies to all employees and individuals engaged in work/activities on behalf of Great Rivers BH-ASO including regular and project employees, temporary staff, contractors, volunteers, and members of the public.
- 1.3. All Great Rivers BH-ASO employees are responsible to help maintain a work environment that is free from unlawful discrimination and harassment.
- 1.4. Great Rivers BH-ASO has an internal complaint procedure to receive and respond to complaints from Great Rivers BH-ASO employees regarding unlawful discrimination or harassment.
- 1.5. Job applicants with complaints regarding discrimination in employment matters may file their complaint with the Human Resources representative or the management officer overseeing the division to which the job applicant applied.
- 1.6. Members of the public with complaints of unlawful discrimination or harassment regarding employee conduct may file their complaint with the Great Rivers BH-ASO Human Resources representative. Members of the public with complaints regarding the accessibility of provision of Great Rivers BH-ASO services may file their complaint with the applicable management officer responsible for providing the service as appropriate.
- 1.7. **Equal Opportunity & Non-Discrimination**
  - 1.7.1. Great Rivers BH-ASO's policy of equal opportunity and non-discrimination extends to all employment-related matters, including hiring, layoffs, promotion, transfer, work assignments, pay, benefits, discipline, and training. Any form of discrimination based on race, color, religion, creed, sex, national origin, age, marital status, the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person, sexual orientation/gender identity, veteran's status or any other status protected by law is strictly prohibited. In addition, Great Rivers BH-ASO supports and promotes the goals and benefits of a diverse workforce in all its divisions and levels of the organization. Great Rivers BH-ASO encourages and supports workforce diversity through a range of activities, that include outreach and recruitment activities aimed at increasing the diversity of candidate pools for job openings and at monitoring workforce data to

address issues of under-representation of protected classes and diversity, equity, and inclusion training.

## 1.8. Workplace Harassment

### 1.8.1. Definitions

#### 1.8.1.1. Harassment:

1.8.1.1.1. Unwelcome verbal or physical conduct based on an individual's race, religion, gender, national origin, age, marital status, disability, sexual orientation, veteran status, or other status protected by law that:

1.8.1.1.1.1. Creates an intimidating, hostile, abusive, or offensive work environment; or

1.8.1.1.1.2. Unreasonably interferes with an individual's work performance.

#### 1.8.1.2. Sexual Harassment:

1.8.1.2.1. Unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1.8.1.2.1.1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

1.8.1.2.1.2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

1.8.1.2.1.3. Such conduct that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

1.8.1.2.2. Prohibited acts of sexual harassment can take a variety of forms ranging from offensive humor and innuendoes to demands for sexual favors and physical assault. Sexual harassment can include, but is not limited to, the following types of conduct:

1.8.1.2.2.1. Sexual innuendoes, teasing and other sexual talk or communications such as jokes or intimate inquiries;

1.8.1.2.2.2. Suggestive facial expressions or noises, leering or obscene gestures;

1.8.1.2.2.3. Display or transmission of sexually explicit or offensive materials, messages, calendars, posters, pictures, drawings, or cartoons;

1.8.1.2.2.4. Unwelcome touching, impeding or blocking movement, or any physical interference with work or movement;

1.8.1.2.2.5. Pursuit of romantic or personal relationships over the objections of the other party;

1.8.1.2.2.6. Verbal harassment such as derogatory comments or slurs of a sexual nature;

1.8.1.2.2.7. Retaliation against employees for complaining about the behaviors described above.

1.8.2. General

- 1.8.2.1. Prohibited workplace harassment is unacceptable in any work-related setting, to include when using Great Rivers BH-ASO resources such as computers, e-mail, faxes, copiers, and telephones.
- 1.8.2.2. Employees who believe they have been subjected to harassment should immediately report the circumstances to their manager, or if more appropriate, to the CED or to Human Resources, so that the matter can be promptly addressed and resolved.
- 1.8.2.3. Employees who observe conduct or behavior that violates this policy are encouraged to immediately report the matter to their manager, or if more appropriate, the CED or Human Resources.
- 1.8.2.4. Employers may be held legally responsible for acts of unlawful harassment in the workplace if a manager knew of the misconduct and failed to report it so appropriate and prompt action could be taken. Accordingly, it is critical that managers immediately report to the CED and to Human Resources any conduct or related information that could reasonably be perceived as a possible violation of this policy.
- 1.8.2.5. Employees may be subject to disciplinary actions, up to and including termination, for knowingly furnishing false information, as determined by the employee's appointing authority, in connection with a complaint or the investigation into that complaint.

**1.9. Complaint Process**

- 1.9.1. Employees with concerns or complaints not involving unlawful discrimination or harassment are referred to the general Complaint Resolution policy.
- 1.9.2. Great Rivers BH-ASO Chief Executive Director (CED) is responsible for ensuring compliance with this policy and related federal and state requirements as the designee of the Great Rivers BH-ASO Governing Board, and assigning a Human Resources representative for employment-based discrimination and harassment complaints. If Human Resources determines that the complaint has no basis under this policy, the fact-finding and investigation process will not proceed further, and the Human Resources representative will discuss any further applicable and appropriate options with the complainant.
- 1.9.3. Non-retaliation
  - 1.9.3.1. Individuals bringing forward complaints or participating in fact-finding or investigations in good faith under this policy are assured that any retaliation for doing so is strictly prohibited. Any employee found to have engaged in retaliatory action or behavior in violation of this policy will be subject to discipline, up to and including termination. Retaliation is any adverse change in terms and conditions of employment, including activities which result in a hostile work environment, which occurs because of the employee's complaint.
- 1.9.4. Confidentiality
  - 1.9.4.1. Complaints and the related fact-finding and investigations will be treated with as much confidentiality as possible. However, employees should understand that complete confidentiality cannot be guaranteed for the following reasons:
    - 1.9.4.1.1. the Great Rivers BH-ASO may be required by law to conduct investigations of concerns brought to its attention,
    - 1.9.4.1.2. many records that Great Rivers BH-ASO maintains are considered public documents,
    - 1.9.4.1.3. those involved may have the right to discuss their own concerns with their spouses, partners, or personal confidants, and

1.9.4.1.4. a fair and objective review process includes the opportunity for the offending party to respond to concerns being investigated.

#### 1.9.5. Informal Resolution

1.9.5.1. In some situations, an employee may want to try to resolve the matter personally by telling the offending party directly that the conduct is inappropriate or offensive. If so, the employee should follow these steps:

1.9.5.1.1. Make it clear to the other party that the conduct or statements are not welcome, acceptable, or appropriate for the workplace and that the employee wants it to stop. A fellow employee may be asked to take part or assist in this communication, as it may be helpful in some cases when informally resolving interpersonal matters.

1.9.5.1.2. If the situation persists or the employee chooses not to confront the person, the employee should file a formal complaint with Human Resources or their manager.

#### 1.9.6. Formal Complaints

1.9.6.1. Complaints may be submitted in oral or written form. Oral complaints will be summarized in writing either by the employee or the Great Rivers BH-ASO representative receiving the complaint to facilitate the investigation. The written account of the situation should include:

1.9.6.1.1. A description of the discrimination or harassment involved,

1.9.6.1.2. The name(s) of the offender(s) or the responsible individual(s),

1.9.6.1.3. Witnesses, dates, and any other information relevant to the complaint.

1.9.6.2. The complaint should also specify the remedy sought or proposed.

1.9.6.3. Complaints may be submitted to either the complainant's manager, CED, or Great Rivers BH-ASO Human Resources. To assist Great Rivers BH-ASO's prompt response to complaints of discrimination or harassment, such complaints should be filed immediately or as soon as possible after the objectionable event occurred. Filing complaints too late after the alleged objectionable event may jeopardize the fact-finding efforts to support the allegations.

1.9.6.4. All managers are required to report any incidents or complaints (oral or written) regarding unlawful discrimination or harassment immediately to the CED (if appropriate) and Human Resources. Managers uncertain whether a particular incident or action violates this policy should consult with Human Resources for guidance, though the complaint should always be documented as described herein so that the appropriate process may take place to make adequate determination.

#### 1.9.7. Investigations

1.9.7.1. All complaints brought by or against Great Rivers BH-ASO employees will be promptly reviewed by Human Resources and will be investigated in a thorough and impartial manner.

1.9.7.2. Human Resources will lead or coordinate fact-finding and investigations of complaints involving unlawful discrimination or harassment. In some cases, the matter may be referred to outside investigatory resources as deemed appropriate by the Great Rivers BH-ASO CED and/or governing board.

1.9.7.3. All employees are expected, as part of their employment with Great Rivers BH-ASO, to cooperate fully with the fact-finding efforts and investigations of complaints brought under this policy. Failure or refusal to cooperate or

adequately participate in the fact-finding and investigation efforts may limit the information Great Rivers BH-ASO will have in making an appropriate determination and such actions may result in the appropriate disciplinary action.

- 1.9.7.4. Employees who are required to attend and participate in fact-finding or investigation meetings may request the attendance of another Great Rivers BH-ASO employee for the purposes of support or note taking. The attendance of "other" Great Rivers BH-ASO staff at the request of the employee will be at the discretion or approval of the Great Rivers BH-ASO staff conducting the investigation. This "other" Great Rivers BH-ASO employee shall not feel obligated to attend/participate if they are not required by Great Rivers BH-ASO Human Resources or management to attend this meeting. The attendance of this "other" Great Rivers BH-ASO employee for the purposes of support in no way will imply that this "other" Great Rivers BH-ASO employee will serve as a representative of the employee required to attend and participate in a fact-finding or investigation meeting. The "other" employee's role is merely as companion to the employee during the meeting, and the employee may not interfere, disrupt, participate, or assist the employee in responding to questions during the fact-finding meeting. Only Great Rivers BH-ASO staff or representatives as assigned by Great Rivers BH-ASO will attend internal fact-finding or investigation meetings.
- 1.9.8. While Great Rivers BH-ASO encourages employees to pursue the Great Rivers BH-ASO internal complaints resolution process as a first step in resolving workplace issues, employees may also file complaints in relation to this policy with the following agencies:
  - 1.9.8.1. Washington State Human Rights Commission
  - 1.9.8.2. U.S. Equal Employment Opportunity Commission
- 1.9.9. The use of Great Rivers BH-ASO's complaint procedure will not suspend any time limitations for filing complaints with any of the above listed agencies or others that are set by law, rule, or regulation.
  - 1.9.9.1. Following conclusion of the fact-finding and investigation, the affected parties will be informed of the findings.
  - 1.9.9.2. Should the complainant wish to appeal the findings of the investigation, they may file an appeal with the Great Rivers BH-ASO Chief Executive Director (CED) who will consult with Great Rivers BH-ASO's legal counsel to determine an appropriate course of action. The CED will issue a written response within a reasonable time to consult and conduct any additional fact-finding. If the response is not possible within 30 days from the appeal receipt, the CED will notify the employee of the status and when a response is likely expected.
  - 1.9.9.3. If any issue submitted for review under this policy becomes subject to administrative agency proceedings or litigation, the review may be suspended and Great Rivers BH-ASO will determine the appropriateness of continuing its review or investigation.

## **1.10. Corrective Action**

- 1.10.1. If the fact-finding and investigation results in the identification of violations of this policy, they will be addressed with the appropriate corrective employment action. The action taken will depend on a review of all the factors generally considered in disciplinary matters. Violations of this policy warrant serious disciplinary action that may include oral or written discipline, suspension, or termination of employment, without the benefit of prior warnings or other disciplinary steps.

POLICY SIGNATURE

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*Edna J. Fund*  
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Edna J Fund, Chair  
Great Rivers BH-ASO Governing Board

12/14/2020

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Date