

	Applicability		
	Department Wide		
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Anti-Discrimination, Harassment, & Sexual Harassment			

Approved by



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Date

Purpose

In order to achieve inclusivity and respect in our work environment, the Washington State Department of Archaeology and Historic Preservation (DAHP) is committed to ensuring that our staff, contractors, and volunteers are treated respectfully and are free from discrimination and harassment, including sexual harassment and retaliation.

Policy

Harassment based on a protected class, discrimination, sexual harassment, retaliation, or any kind of discriminatory behavior are prohibited by law. They will not be tolerated. DAHP staff, contractors and volunteers have the responsibility to foster and maintain a welcoming, inclusive, professional and safe work environment. A safe work environment is free from intimidation, hostility, fear, abuse, and retaliation.

Ensuring equal employment opportunity is a vital responsibility for all of us at DAHP. Therefore, it is a violation of policy to:

- (1) Discriminate in the provision of employment opportunities, benefits or privileges;
- (2) Create discriminatory work conditions; or
- (3) Use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, based on membership in a protected class, or retaliation for assisting in the investigation of a complaint.

Anti-discrimination, Harassment, and Sexual Harassment

In addition to the conduct outlined in our respectful work environment policy (see above), harassment based on a protected class is prohibited. Harassment is when, based on membership in a protected class, an employee must endure offensive conduct as a condition of continued employment or when the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or abusive. Types of harassment that fall within this category include, but are not limited to the following:

- Sexual harassment
- Gender-based harassment
- Racial and/or ethnic harassment
- Age-based harassment
- Disability-based harassment
- Sexual orientation harassment
- National origin harassment
- Religion-based harassment

For example, with regard to sexual harassment, it is prohibited to harass a person (another DAHP employee or an external constituent) because of that person's sex, gender identity or gender expression. DAHP will not tolerate sexual harassment of any kind. This includes unwelcome sexual advances, unwelcome requests for sexual favors or unwelcome other verbal or physical conduct of a sexual nature. Such behavior constitutes sexual harassment when it explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment can occur in a variety of circumstances. The victim as well as the harasser may be any gender. The harasser can be the victim's supervisor, a supervisor in another area, a coworker, a contractor or other agent of the employer or a nonemployee such as a client or a customer. The victim does not have to be the person harassed, but could be anyone affected by the offensive conduct even if unintended by the perpetrator. Behaviors leading to sexual harassment can include, but are not limited to, gestures, innuendos, jokes or playful banter. More information regarding sexual harassment can be found in the DAHP Sexual Harassment Policy #054.

Reporting

We strongly encourage employees, applicants, volunteers or others that have business with DAHP who witness discrimination, harassment, sexual harassment, or retaliation to report violations to the Director or supervisor as soon as possible. While we recognize that victims and bystanders who experience or witness this behavior may feel uncomfortable with reporting violations, reporting of this conduct minimizes future violations of this policy. We will promptly investigate allegations of discrimination, harassment, sexual harassment or retaliation. Where such allegations are substantiated, we will take appropriate corrective or disciplinary action. This process includes support to victims and bystanders.

Anti-discrimination, Harassment, and Sexual Harassment

Retaliation or attempted retaliation against employees, applicants, volunteers or other persons having business with DAHP who file a complaint under this policy or who participate in an investigation will not be tolerated. DAHP encourages employees with complaints alleging discrimination, harassment and/or retaliation to submit them as soon as possible after the alleged violation. A person making a complaint under this policy may also file a complaint with the Washington State Human Rights Commission or the Federal Equal Employment Opportunity Commission.

Anyone who experiences or witnesses discrimination, harassment, or sexual harassment should report it immediately to a supervisor, the Director, the Deputy Director, or DES Human Resources to ensure that all individuals are protected and provided relief from any form of discrimination or sexual harassment in the workplace. Pursuant to law¹, there are occasions that an agency must inform employees that it is under a legal obligation to respond to allegations of behaviors covered by this policy. DAHP is committed to responding because it wants to promote an inclusive, respectful and safe culture.

Discussion and Disclosure

In accordance with state law, an employer in the state of Washington may not require an employee, as a condition of employment, to sign a nondisclosure agreement, waiver or other document that prevents the employee from disclosing sexual harassment or sexual assault occurring in the workplace, at work-related events or between employees, or between an employer and employee off the employment premises. Any document signed by an employee as a condition of employment that has this effect is void and unenforceable per RCW 49.44.210. Responses to public records requests will be in accordance with applicable disclosure laws including section 2, chapter 373, Laws of 2019.

In this section, the term “employee” does not include human resources staff, supervisors or managers when they are expected to maintain confidentiality as part of their assigned job duties. It also does not include individuals who are notified and obligated to participate in an open and ongoing investigation into alleged sexual harassment and asked to maintain confidentiality during that investigation.

Directives

All employees regardless of position are responsible to:

- Read this policy annually and comply with its provisions.
- Request an interpretation of the policy from their supervisor if they are unsure whether any of their behaviors or circumstances may be a breach of the policy.
- Treat all other employees in a manner consistent with this policy and without discrimination, harassment, sexual harassment, or retaliation.

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- Consider being an ally for those facing discrimination, harassment, sexual harassment, or retaliation by speaking up when this behavior is observed and/or reporting any violations of this policy.
- Take sexual harassment awareness and prevention training within six months of hire and at least annually thereafter of a nonsupervisory employee.

In addition to the above, all supervisors and managers at DAHP are responsible to:

- Make employees aware of this policy.
- Provide, with appropriate assistance from human resources, interpretations to employees about potential breaches of the policy.
- Lead by example. Create and maintain a workplace free from discrimination, harassment, sexual harassment, or retaliation.
- Watch for signs and symptoms of violations of this policy, including changes in an employee's behavior and conduct and be proactive in addressing them when noticed.
- Not condone or ignore violations of this policy, or give employees the impression that they are.
- Document, report and respond in an appropriate and timely fashion to incidents of discrimination or harassment toward employees, applicants, volunteers or persons having business with DAHP.
- Maintain the confidentiality of all such reports to the extent provided/allowed by law.
- Take sexual harassment awareness and prevention training within six months of hire and annually thereafter.

Leadership will review this policy every three years for changes and effectiveness unless there is a rule or statutory change necessitating a sooner review, change, or update. As part of that review, the following data and criteria will be used to determine the success of this policy:

- Annually, we will be able to affirm that 100% of our employees have met their sexual harassment training requirements.
- By 2021, the total number of days it takes to intake, respond, investigate (if necessary) and take appropriate action on an employee complaint may not exceed, on average, 60 days unless there are extenuating circumstances.
- Periodically, the Director and supervisors will ask employees to provide input and suggestions on this policy and the actions of others to create an environment free from discrimination, harassment, sexual harassment, and retaliation. This feedback will be considered as part of the annual review to determine the success of this policy and DAHP's efforts.
- Leadership will review this policy every three years for changes and effectiveness, unless there is a rule or statutory change necessitating a sooner review, change, or update.
- The Employee Engagement Survey feedback will also be used to measure effectiveness of this policy. Questions will include, but are not limited to, the following:

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- “My supervisor treats me with dignity and respect.”
- “My agency supports a diverse workforce.”
- “At my workplace, I feel valued for who I am as a person.”
- “Satisfaction with flexibility.”
- “My agency sets the expectation for inclusion by embedding it in everyday interactions.”

The directives indicated here are not optional, and failure to follow them may lead to discipline, up to and including termination. In addition, these directives and the goals will be used in annual evaluations for leaders as a specific competency required for satisfactory job performance.

Employees who have complaints or inquiries associated with this policy should contact their supervisor, the Director, the Deputy Director, or DES Human Resources. Supervisors will be expected to explain how they worked to comply, achieve, and exceed the goals identified in this policy.

Definitions

For the purposes of this model policy only, the following definitions are provided:

Discrimination – Unfavorable or unfair treatment of a person or class of persons in comparison to others who are not members of the protected class, or retaliation for complaints related to discrimination against a protected class.

Harassment – Verbal, nonverbal or physical conduct that threatens, intimidates, coerces, offends or taunts another person (including sexual, racial or ethnic slurs) that interferes with the employee’s ability to perform their job.

Protected class – A person’s religion, age, sex, status as a breastfeeding mother, marital status, race, color, creed, national origin, political affiliation, military status, status as an honorably discharged veteran, disabled veteran or Vietnam era veteran, sexual orientation, gender expression, gender identity, any real or perceived sensory, mental or physical disability, genetic information, the participation or lack of participation in union activities, or use of a trained dog guide or service animal by a person with a disability.

Sexual harassment – Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when this conduct explicitly or implicitly affects an individual’s employment, unreasonably interferes with an individual’s work performance, or creates an intimidating, hostile or offensive work environment.

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

¹ See WAC 357-25-027.