

## **ANTI-DISCRIMINATION**

- Policy Number:** HR-101
- Effective Date:** Approved by the **Eastern Washington State Historical Society (EWSHS)** Board of Trustees on September 2, 2020.
- Application:** This policy is adopted in accordance with Chapter 49.76 RCW and the Governor's Executive Order 96-05 and applies to all EWSHS Employees.
- History:** This policy updates and renumbers BP 111 dated June 1, 2016. BP 111 replaced HR Policy 103.
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### **Article I PURPOSE**

- 1.1: To detail the EWSHS anti-discrimination policy.

### **Article II DEFINITIONS**

- 2.1: **Discrimination:** Unfavorable or unfair treatment of a person or class of persons because of a person's race, creed, color, religion, national origin, sex, sexual orientation, gender identity/expression, genetic information, marital status, pregnancy, status of a mother breastfeeding her child, age (over 40), disability, the presence of any sensory, mental, or physical disability, or the use of a trained guide dog or service animal by a person with a disability, HIV or hepatitis C medical condition, status as a disabled veteran, recently separated veteran, active duty wartime or campaign badge veteran, Armed Forces service medal veteran, or any other class protected by state or federal law, as well as retaliation for complaints related to these categories.
- 2.2: **Protected Activity:** An individual who has filed a complaint, testified, assisted or participated in any manner in an investigation, proceeding, hearing or litigation based on perceived discrimination is protected from retaliation.
- 2.3: **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.
- 2.4: **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.

### **Article III POLICY STATEMENT**

- 3.1: Discrimination and harassment of any kind are prohibited by law. They will not be

tolerated. It is the policy of the EWSHS to provide an environment free from unlawful discrimination. EWSHS does not discriminate on the basis of a person's protected status as provided for and to the extent required by state and federal law. All forms of discrimination, as defined above, as well as retaliation for engaging in protected activity, are violations of this policy. No person may discriminate against another person on any of the grounds listed above when acting or speaking on behalf of EWSHS.

3.2: The EWSHS is committed to providing equal employment opportunities. Therefore, it is a violation of this 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 the investigation of a complaint.

3.3: Examples of behaviors that may constitute discrimination or discriminatory harassment include, but are not limited to:

3.3.1: Denying someone an employment opportunity or benefit because of their gender, race, or disability;

3.3.2: Treating individuals differently because of their national origin or age;

3.3.3: Severe or pervasive name calling, jokes, or other verbal or physical behavior towards a person based on their protected status; or

3.3.4: Deliberate misuse of an individual's preferred name, form of address, or gender-related pronoun (except on legally mandated documentation, if an individual has not officially obtained a name change).

3.4: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are also prohibited, as well as all forms of verbal, non-verbal, and physical harassment based on a protected class. Additional information regarding sexual harassment is contained in Board Policy HR-103.

#### **Article IV PROCEDURES**

4.1: Employees are expected to conduct themselves professionally, in a manner befitting the work environment and with respect for co-workers.

4.2: Employees are expected to understand that behavior which one individual considers innocent and harmless may be regarded as harassment by another person. The EWSHS will not tolerate harassment of its employees by anyone, including management, other employees, contractors or customers of the EWSHS.

4.3: All employees have an important role in helping to maintain a work environment free from discrimination and harassment. To this end, employees, whether victims or bystanders, are encouraged to report all incidents and suspected violations of this policy immediately to a supervisor or manager.

4.4: For employees of EWSHS, if the supervisor or manager is the subject of the complaint, they should file the complaint with the supervisor or manager's supervisor or

with the Department of Enterprise Services Small Agency Human Resources (HR) Services Primary Consultant or other designated Human Resources Consultant (HR).

4.5: Visitors and contractors should file the complaint with the EWSHS Executive Director, his/her designee or HR.

4.6: Investigations will be initiated as promptly as practical after receipt of a complaint and appropriate corrective action will be taken if necessary. Complaints will be given regular progress reports on the investigative process and will be notified of the results of the investigation upon completion.

4.7: The EWSHS will not retaliate against any person for reporting perceived harassment or for participating in an investigation. If the employee feels they are being retaliated against, they should immediately report it to a supervisor, manager or to HR. Retaliation for filing a complaint or participating in an investigation is a violation of federal laws and will not be tolerated.

4.8: **Confidentiality** - The EWSHS will make it clear to employees that it will protect the confidentiality of discrimination allegations to the extent possible. The EWSHS cannot guarantee complete confidentiality, since it cannot conduct a thorough and complete investigation, without revealing certain information to the alleged harasser and potential witnesses. Records will be disclosed when necessary to comply with the Public Records Act.

4.9: **Additional Information** - Any EWSHS employee who is found to have violated this policy or our commitment to equal employment opportunity may be subject to disciplinary action, up to and including termination from employment.

4.10: **External Complaints**- Individuals have a right to file complaints alleging discrimination, harassment, or retaliation with state or federal agencies within the agencies' prescribed time periods. State and federal agencies have their own processes for responding to and processing such complaints. Complaints may be filed with:

Equal Employment Opportunity Commission  
1321 2<sup>nd</sup> Avenue, 7<sup>th</sup> Floor, Seattle, WA 98101  
(206) 442-0968  
[www.eeoc.gov](http://www.eeoc.gov)

U.S. Department of Labor  
Wage and Hour Division  
909 First Avenue, Room 1068, Seattle, WA  
(509) 353-2793  
[www.dol.gov](http://www.dol.gov)

Washington State Human Rights Commission  
905 Riverside Ave., Suite 416, Spokane, WA 99201  
(509) 456-4473  
[www.hum.wa.gov](http://www.hum.wa.gov)

**Article V  
COMPLIANCE**

5.1: This policy applies to all EWSHS employees, contractors and volunteers. 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 goals will be used in annual evaluations for supervisors/managers as a specific competency required for satisfactory job performance. Supervisors/managers will be expected to explain how they worked to comply, achieve, and exceed the goals identified in this policy.

5.2: The EWSHS Board of Trustees will review this policy once every other year for changes and effectiveness. As part of that review, the following data and criteria will be used to determine the success of this policy:

- 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.
- Every month for an entire year, a different executive leader will present at an employee town hall different aspects of the importance of this policy to leadership and in meeting our diversity, and equity and inclusion goals.
- Human resources staff will host a quarterly lunch and learn forum for employees to provide input and suggestions on this policy and the actions of leaders to create an environment free from discrimination, harassment and sexual harassment. This feedback will be considered as part of the annual review to determine the success of this policy and DOB's efforts.

**Primary roles and responsibilities for Discrimination Complaints within the EWSHS.**

Role	Responsibilities
<b>Employee</b>	<ul style="list-style-type: none"><li>• Report all incidents and suspected violations of this policy to a supervisor, manager, supervisor/managers supervisor or HR.</li><li>• Participate in the investigatory process and refrain from any form of retaliation.</li><li>• Maintain confidentiality to the degree possible</li><li>•</li><li>• Work with the HR and outside investigator during the investigatory process.</li></ul>
<b>Supervisor/ Manager</b>	<ul style="list-style-type: none"><li>• In consultation with the HR, your agency-assigned personnel Assistant Attorney General (AAG), and the Labor Relations Office (LRO) (if applicable), take appropriate corrective action as necessary.</li><li>• Notify the agency director of any complaints received.</li><li>• Conduct preliminary investigation or assist the agency with obtaining an outside investigator.</li></ul>

<b>HR</b>	<ul style="list-style-type: none"><li>• In conjunction with the agency and the assigned personnel AAG, inform the complainant and the accused of the findings of the investigation.</li><li>• Work with the agency, the assigned personnel AG and the LRO (if applicable) to help determine appropriate corrective action to be taken, if necessary.</li><li>• Maintain all records related to the complaint of discrimination.</li></ul>
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**WAC's and references that apply to this policy**

RCW 49.60, 49.76 (law against discrimination)	WAC 162-16 (discrimination in employment)
WAC 162-22 (disability discrimination)	WAC 162-30 (sex discrimination)
WAC 357-25-025 (policy requirements)	WAC 357-25-027 (sexual harassment)