**POLICY STATEMENT:**

[Employer] is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

**APPLICABILITY:** All employees, temporary employees, interns, and volunteers.

**DEFINITIONS:**

***Complainant***: A person or persons allegedly subjected to discrimination, workplace harassment, or sexual harassment.

***Discrimination***: Conduct that has the purpose or effect of creating employment conditions for an individual that are intimidating, hostile, or offensive or that evince animosity, resentment, anger, prejudice, or ill will to others primarily because of the individual’s identification with or membership in a protected class.

***Employee***: Any person employed by [employer], including but not limited to, permanent employees, temporary or seasonal employees, interns, volunteers, and members of a governing or advisory board of directors or equivalent. “Employee” does not include independent contractors.

***Higher Standard:*** Applies to managers and supervisors. Proactively taking an affirmative posture to create and maintain a discrimination and harassment free workplace.

***Manager/Supervisor***: Employees who supervise other employees or have authority or influence to effect employment decisions.

***Protected Class Under Federal Law***: Race; color; national origin; sex (includes pregnancy- related conditions); religion; age (40 and older); disability; a person who uses leave covered by the Federal Family and Medical Leave Act; a person who uses Military Leave; a person who associates with a protected class; a person who opposes unlawful employment practices, files a complaint or testifies about violations or possible violations; and any other protected class as defined by federal law.

***Protected Class Under Oregon State Law***: All Federally protected classes, plus: age (18 and older); physical or mental disability; injured worker; a person who uses leave covered by the Oregon Family Leave Act; marital status; family relationship; sexual orientation; whistleblower; expunged juvenile record; and any other protected class as defined by state law.

***Sexual Assault***: any unwanted sexual contact, as defined in ORS 163.305.

***Sexual Harassment***: A request for sexual favors in an implicit or explicit exchange for an employment-related benefit or as a means of avoiding an employment-related detriment; or Unwelcome conduct of a sexual nature that has the purpose or effect of interfering with a person’s ability to perform job duties or that creates an intimidating, offensive, or hostile work environment.

Examples of sexual harassment include but are not limited to: unwelcome, unwanted, or offensive touching or physical contact of a sexual nature, such as, closeness, impeding or blocking movement, assaulting or pinching; gestures; innuendoes; teasing, jokes, and other sexual talk; intimate inquiries; persistent unwanted courting; sexist put-downs or insults; epithets; slurs; or derogatory comments.

***Sexual Orientation under Oregon State Law***: An individual’s actual or perceived heterosexuality, homosexuality, bisexuality, or gender identity, regardless of whether the individual’s gender identity, appearance, expression, or behavior differs from that traditionally associated with the individual’s sex at birth.

***Workplace Harassment***: Unwelcome, unwanted or offensive conduct based on or because of an employee’s protected class status.

Harassment may occur between a manager/supervisor and a subordinate, between employees, and among non-employees who have business contact with employees. A complainant does not have to be the person harassed, but could be a person affected by the offensive conduct.

Examples of harassing behavior include, but are not limited to, derogatory remarks, slurs, and jokes about a person’s protected class status.

**POLICY:**

[Employer] is committed to a discrimination and harassment free work environment. This policy outlines types of prohibited conduct and procedures for reporting and investigating prohibited conduct.

***Discrimination, Workplace Harassment, and Sexual Assault and Harassment***. [Employer] provides a work environment free from unlawful discrimination or workplace harassment based on or because of an employee’s protected class status. Additionally, [employer] provides a work environment free from sexual assault and harassment. Employees at every level of the organization, including temporary employees, interns, and volunteers, must conduct themselves in a business-like and professional manner at all times and not engage in any form of discrimination, workplace harassment, or sexual assault or harassment.

***Higher Standard***. Managers/supervisors are held to a higher standard and are expected to take a proactive stance to ensure the integrity of the work environment. Managers/supervisors must exercise reasonable care to prevent and promptly correct any discrimination, workplace harassment, or sexual assault or harassment they actually know about or reasonably should know about.

***Reporting***. Anyone who is subject to, actually aware of, or reasonably should be aware of what he or she believes to be discrimination, workplace harassment, or sexual assault or harassment should report that behavior to the employee’s immediate supervisor, another manager, or the Human Resource section, Executive Director, President, Chair, or equivalent, as applicable. A report of discrimination, workplace harassment, or sexual assault or harassment is considered a complaint. A supervisor or manager receiving a complaint should promptly notify the Human Resource section, Executive Director, President, Chair, or equivalent, as applicable.

* A complaint may be made orally or in writing.
* A complaint must be filed within one year of the occurrence.
* An oral or written complaint should contain the following:
1. the name of the person or persons filing the report;
2. the name of the complainant;
3. the names of all parties involved, including witnesses;
4. a specific and detailed description of the conduct or action that the person believes is discriminatory or harassing;
5. the date or time period in which the alleged conduct occurred; and
6. a description of the proposed remedy.

***Other Reporting Options***. Nothing in this policy prevents any person from filing a formal complaint with the Oregon Bureau of Labor and Industries (BOLI) or the U.S. Equal Employment Opportunity Commission (EEOC) or if applicable, the United States Department of Labor (USDOL) Civil Rights Center.

***Investigation***. The Human Resource section, Executive Director, President, Chair, or equivalent, as applicable, will coordinate and conduct an investigation, or delegate responsibility for coordinating and conducting an investigation.

* All complaints will be taken seriously and an investigation will be initiated as quickly as possible.
* [Employer] may need to take immediate steps to ensure employees are protected from further potential discrimination or harassment.
* Complaints will be dealt with in a discreet and confidential manner, to the extent possible.
* All parties are expected to cooperate with the investigation and keep information regarding the investigation confidential.
* [Employer] will notify the accused, any person reporting, and all witnesses that retaliating against a person for making a report of discrimination, workplace harassment, or sexual assault or harassment is prohibited and will not be tolerated.
* [Employer] will notify the complainant and the accused when the investigation is concluded.
* [Employer] will take any immediate and appropriate actions if a complaint is substantiated.
* [Employer] will inform the complainant if any part of a complaint is substantiated and action has been taken or will be taken by [employer]. The complainant will not be given the specifics of the action.
* The complainant and the accused will be notified by [employer] if a complaint is not substantiated.

***Penalties***. Conduct in violation of this policy is prohibited and will not be tolerated.

* Employees engaging in conduct in violation of this policy may be subject to disciplinary action up to and including dismissal.
* Temporary employees, interns, and volunteers who engage in conduct in violation of this policy may be subject to termination of their working or volunteer relationship with [employer].
* [Employer] may be liable for discrimination, workplace harassment, or sexual assault or harassment if it actually knows of or reasonably should know of conduct in violation of this policy and fails to take prompt, appropriate action.
* Managers and supervisors who actually know or reasonably should know of conduct in violation of this policy and who fail to report such behavior or fail to take prompt, appropriate action may be subject to disciplinary action up to and including dismissal.
* An employee who engages in harassment of other employees while away from the workplace and outside of working hours may be subject to the provisions of this policy if that conduct has a negative impact on the work environment and/or working relationships.
* If a complaint involves the conduct of a contracted employee or a contractor, the [employer], Human Resource section, Executive Director, President, Chair, or equivalent, or its designee, must inform the contractor of the problem behavior and require prompt, appropriate action.

If a complaint involves the conduct of a client, customer, or visitor, [employer] shall follow its own internal procedures and take prompt, appropriate action.

***Retaliation***. This policy prohibits retaliation against employees who file a complaint, participate in an investigation, or report discrimination, workplace harassment, or sexual assault or harassment.

* Employees who believe they have been retaliated against because they filed a complaint, participated in an investigation, or reported discrimination, workplace harassment, or sexual assault or harassment, should report this behavior to the employee’s supervisor, another manager, the Human Resource section, Executive Director, President, Chair, or equivalent, as applicable. Complaints of retaliation will be investigated promptly.
* Employees who violate this policy by retaliating against others may be subject to disciplinary action, up to and including dismissal.
* Temporary employees, interns and volunteers who retaliate against others may be subject to termination of their working or volunteer relationship with [employer].

***Notice to Employees***. All employees, including temporary employees, interns, and volunteers, shall:

* be provided a written copy or the location of an electronic copy of this policy upon commencement of employment;
* be given directions to read the policy;
* be provided an opportunity to ask questions and have their questions answered; and
* sign an acknowledgement indicating the employee read the policy and had the opportunity to ask questions.

Signed acknowledgements are kept on file at [employer HQ].

If substantial changes are made to this policy, [employer] shall provide written notice to employees that changes occurred, and provide either a written copy or the location of an electronic copy of the updated policy.