

Background

What follows covers model policy and procedure for domestic violence agencies on prohibiting harassment of individuals based on, at a minimum, the person's race, sexual orientation, gender identity (or expression), religion, and national origin in accordance with the federal [Family Violence Prevention and Services Act \(FVPSA\) LGBTQ Accessibility Policy](#).

All domestic violence programs that receive federal funding via the Department of Social and Health Service (DSHS) are required to have a policy addressing harassment. The following links provide more detailed information about [the Supreme Court decision that created the need for more focused policy](#) and the [nuts and bolts of the state contract renewal and timelines](#).

See this [FAQ](#) (Frequently Asked Questions) for basic information and more background.

Introduction

This model policy and procedure update focuses specifically on your harassment/anti-harassment policy and procedure, and addresses *required updates only*.

Now is the time to review your existing policy and procedures. Does your organization currently have a policy that specifically addresses harassment/anti-harassment per se?

If not, see sample model policies and procedures below.

If you do have a harassment policy, it is important that you now critique your policy and procedures to make sure they specifically address the following:

- 1) Your organization's standards for treatment of all individuals involved with your program – meaning, service recipients (i.e., clients, residents, participants, the people who use your services by whatever name you call them) as well as staff, board and any paid or unpaid employees/workers in your organization.
- 2) Your policy must clearly and unambiguously prohibit harassment based on, at a minimum race, sexual orientation, gender identity (or expression), religion, and national origin.

Basics Elements of a Great Policy

There are many ways to approach writing an excellent policy prohibiting harassment. Specific elements include:

- A strong and unambiguous statement of an organizations values related to prohibiting harassment.
- Listing of protected classes.
- Organizational working definition of harassment.
- Organizational expectations about conduct of employees.
- Language that applies to paid and volunteer workers, as well as service recipients.

Sample model policies

What follows are several sample policies from programs in Washington state that have been altered in minor ways to come into compliance with the 2015 federal requirements.

Sample Policy #1

“It is the policy of *X DV program* to maintain an environment free from all forms of harassment and to insist that all employees (paid and volunteer) and service recipients be treated with dignity, respect, and courtesy. Any comments or conduct relating to a person’s race, color, religion, sex, age, sexual orientation, gender identity (or expression), disability, ethnic background, national origin, marital or military status or any other basis protected by federal, state or local law which fail to respect the dignity and feelings of the individual are unacceptable.”

Sample Policy #2

“It is the policy of *X DV program* to promote and support the individual human dignity of all its employees (paid and volunteer) and service recipients. It is the intent of *X DV program* to provide an environment free from all verbal, physical, and visual forms of harassment. All employees are expected to be sensitive to and respectful of their co-workers, clients and others with whom they come into contact while representing the agency.

The *X DV program* prohibits all forms of harassment, whether due to race, religion, creed, color, national origin, sex, marital status, sexual orientation, gender identity (or expression), age, or the presence of physical, mental, or sensory handicap. Harassment of any employee (paid or volunteer) or any client is a serious violation of the agency’s policy and will not be tolerated.

Harassment can take many forms and can include slurs, comments, jokes, innuendoes, unwelcome compliments, pictures, cartoons, pranks, or other verbal or physical conduct which is based upon a person’s protected status (race, religion, creed, color, national origin, sex, marital status, sexual orientation, gender identity or expression, age, or the presence of physical, mental, or sensory handicap).”

Sample Policy #3

“*X DV program* does not tolerate discrimination or harassment against any employee (paid or volunteer) or program participant on the basis of race, color, sex, marital status, sexual orientation, gender identity (or expression), political ideology, age, religion, national origin, genetic information, military status, or the presence of any sensory, mental, or physical disability, or any other basis protected by federal, state, or local law (protected status).

X DV program supports an environment that is free of harassment. All employees (paid and volunteer) are expected to conduct themselves in a way that fosters a comfortable, professional, and respectful working atmosphere for other workers and service recipients.

Harassment, including sexual harassment, is prohibited by federal and state laws. This Policy prohibits

harassment of any kind, and *X DV program* will take appropriate action swiftly to address any violations of this policy. The definition of harassment is: verbal or physical conduct designed to threaten, intimidate, or coerce. Also, verbal taunting (including racial and ethnic slurs) which, in the individual's opinion, impairs his or her ability to perform his or her job or have access to services."

Elements of a Great Procedures

A policy is only as good as the procedures that back it up.

If and when an individual experiences harassment, what are their options for redress? How can an organization approach all parties and make it right when someone has been harassed?

A reasonable procedure should include:

- Reporting – how someone who has experienced harassment can report it and to whom.
- Investigation – details of how allegations of harassment will be looked into.
- Action – what happens if allegations of harassment are found to be valid or true.
- Retaliation – protections available for a person/people coming forward with allegations or concerns about harassment. Clear consequences for someone who retaliates against someone making a complaint.
- Employee responsibility – expectations about what paid and volunteer workers are expected to do to prevent and discourage harassment.
- Documentation – how an agency keeps records of harassment allegations and resolutions.

What follows are several sample procedures from programs in Washington state that have been altered in minor ways to come into compliance with the 2015 FVPSA requirements.

Sample Procedure #1

"*X DV program* is committed to provide a workplace and services free from harassment. The anti-harassment policy provides the overview. The procedure below details your options if you experience harassment by *X DV program* staff or another program participant at this program.

Reporting

If an employee or program participant feels that s/he or has been subjected to harassment, s/he can immediately identify the offensive behavior to the harasser and request that it stop. If the employee or program participant is uncomfortable addressing the matter directly with the harasser, or if s/he does so and behavior does not stop, then the individual can immediately report the matter to Human Resources, or, if necessary, the Executive Director.

Investigation

All complaints will be investigated promptly, impartially and discreetly. All investigations will be designed to consider the privacy of and minimize suspicion toward all parties concerned to the extent reasonably possible. However, confidentiality cannot be maintained when *X DV program* is required by

law to disclose information (such as in response to legal process) or when disclosure is necessary for *X DV program* in protecting its interests or rights of others. Upon completion of the investigation, the affected parties will be notified of the findings only as appropriate. The results of the investigation may be used in conflict resolution.

Disciplinary Action

Where harassment is found to have occurred, the *X DV program* will aggressively pursue avenues that will stop the harassment, act to prevent its recurrence, and discipline those responsible. Any director, manager, supervisor, or other worker (paid or volunteer) who has been found to have harassed another worker or a service recipient will be subject to appropriate disciplinary action, ranging from warning up to and including termination of employment. Failure of a supervisor to report allegations of harassment will lead to disciplinary action if it is determined that the supervisor had knowledge but did not report the information to the appropriate person (Human Resources or the Executive Director).

No Retaliation

No worker or service recipient will be reprimanded or retaliated against in any way for initiating an inquiry or complaint in good faith, or for cooperating in an investigation of a complaint of harassment. Any worker found to be retaliating as a result of a harassment or sexual harassment complaint will be subject to disciplinary action up to and including termination. *X DV program* also considers the rights of any person against whom a complaint is alleged; intentionally providing false information is grounds for discipline, up to and including termination.

Employee Responsibility

Workers are expected to do all that they can to prevent and discourage any form of harassment or sexual harassment from occurring, to act responsibly, to maintain a pleasant working environment, free of harassment. Workers with any questions regarding this policy are encouraged to contact Human Resources.”

Sample Procedure #2

“Reporting Incidents of Discrimination, Harassment or Retaliation

If you are the recipient of any instance of discrimination, harassment or retaliation, you can report the incident promptly to your supervisor. If you witness any instance of discrimination, harassment or retaliation, you must report the incident promptly to your supervisor. You may – but are not required to – make it clear to the harasser that you find such conduct offensive and unwelcome, stating clearly that you want the offensive conduct to stop at once. Even if you have addressed the issue with the person engaging in the behavior, let (enter specific job title here), or (enter other option job title for person to report to) know about the situation so that he or she can follow up with any measures he or she considers appropriate.

If you are not comfortable reporting the matter to (enter specific job title here), then the report can be made to (enter other option job title for person to report to) and/or the Executive Director. If the

Executive Director is the alleged harasser, report to the Board President.

Retaliation Prohibited

No employee will be retaliated against in any way for reporting the harassment or for participating in an investigation regarding the alleged harassment.

Investigation

An investigation of all complaints of discrimination, harassment and retaliation will be undertaken promptly. Workers, who have been found after appropriate investigation to have harassed another employee, volunteer or program participant will be subject to corrective action. Depending upon the circumstances, disciplinary action will be taken, up to and including discharge. Additionally, steps will be taken to stop the discriminatory, harassing, intimidating, or retaliatory conduct, correct its effects, and prevent its recurrence.”

Sample Procedure #3

Investigation and Documentation

“Because an employer may be called upon to show how it responded to claims of harassment, violence or discrimination long after the fact, the final investigation report, all supporting notes and memorandum generated during the investigation, and documents relevant to any corrective action taken should be maintained in a workplace investigation file. This file should be maintained separately from any employee's personnel file.”

Sample Procedure #4

“Any aggrieved employee, volunteer or client may file a grievance. The grievance must be in writing using the Written Concern/Feedback Form available in the office and shelter of *X DV program*.

Upon receipt of the completed Written Concern/Feedback Form, the Executive Director or designee shall conduct an investigation into the facts alleged in the grievance.

The factual investigation shall be conducted promptly and in no event shall the investigation take more than 45 days from the date of receipt of the form. The Executive Director or designee shall seek information from all sources necessary to discover all factors relevant to resolution of the grievance.

In filing the Written Concern/Feedback Form, the person making the grievance waives confidentiality to the extent necessary for a full and complete investigation into the allegations of the grievance.

The Executive Director or designee shall prepare written findings upon completion of the investigation and these shall be included in the final report. Documentation may include all sources of evidence, assessments of credibility, the basis for all findings, and documentary or physical evidence.

Upon completion of the investigation and preparation of findings, the Executive Director or designee

shall issue a written decision detailing what steps are being taken to remedy the grievance.

The Executive Director or designee shall communicate directly with the person making the grievance no later than 50 days from the filing of the Written Concern/Feedback Form.

Copies of all documentation shall be filed separately from any personnel or volunteer files. Upon conclusion of this process, all documentation shall be made available to the Personnel Committee of the Board of Directors.”