



Respectful Workplace, Discrimination, and Harassment Policy

Formerly "Discrimination and Harassment Policy"

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APPROVED: *Celia R. Gould*

I. Purpose

The State of Idaho (State) and Idaho State Department of Agriculture (ISDA) are committed to a work environment in which all individuals are treated with dignity and respect. Every employee has the right to work in a professional atmosphere promoting equal employment opportunities and prohibiting unlawful discriminatory practices, including harassment based on any class that is protected by state or federal law. ISDA prohibits any form of harassment of its employees by other employees and will take immediate and appropriate action to prevent and correct behavior that violates this policy. All employees are expected to treat their co-workers with courtesy, respect and dignity. ISDA also strives to protect its employees from any form of harassment by third parties, including customers and vendors. Prohibited conduct as outlined in this policy is unacceptable in the workplace and in any work-related setting outside of the workplace, including business-related meetings, trips, or events.

II. Definitions

Harassment Is: Unwelcome conduct that is based on race, color, religion, sex (including gender identity, sexual orientation and pregnancy), national origin, age (40 or older), disability, genetic information, or veteran status. Harassment becomes unlawful where (1) enduring the offensive conduct becomes a condition of continued employment, or (2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

Examples of harassment include, but are not limited to, offensive jokes, slurs, epithets or name calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, derogatory remarks, negative stereotyping, hostile acts, and written or graphic material posted or circulated in the work place that denigrates individuals based on any class that is protected by state or federal law. Harassment may include "off-work" activities as well.

Sexual Harassment Is: Unwelcome sexual advances, requests for sexual favors, and other physical or verbal conduct of a sexual nature. This conduct constitutes unlawful sexual harassment when: (1) submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct is used as the basis for an employment decision affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or of creating an intimidating, hostile, or offensive working environment.

Sexual harassment may involve individuals of the same or different gender.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, that fails to respect the rights of others, that lowers morale and that, therefore, interferes with work effectiveness. Sexual harassment may take different forms. One specific form is the demand for sexual favors. Other forms of harassment include sexual innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, or threats.

A single incident may or may not constitute harassment but would require investigation of the facts, on a case-by-case basis.

III. Policy

ISDA is committed to a policy of equal employment opportunity for all individuals. This commitment extends to all aspects of employment practices, including recruitment, hiring, promotion, compensation, benefits, layoff, and termination. It is the responsibility of all ISDA employees to provide and foster a respectful work environment free of discrimination.

The sexual or other illegal or discriminatory harassment of any employee is prohibited by law and by ISDA policy. Any form of sexual harassment or other unlawful harassment or discrimination is strictly prohibited. Employees are expected to refrain from conduct that may reasonably be considered offensive to others.

Offensive conduct may be written or oral. Offensive conduct includes, but is not limited to, the use of profanity, sexual comments or images, racial slurs, gender-specific comments, or any comments that would reasonably offend someone on the basis of a protected class. It also includes physical conduct such as assault, impeding or blocking movement or any physical interference with normal work or movement.

All employees are expected to treat their co-workers with courtesy, respect, and dignity. ISDA will investigate and take remedial action whenever there is reason to believe that illegal discrimination or harassment is present. Any employee, supervisor, or manager who is made aware of an alleged incident of illegal discrimination or sexual or other harassment shall immediately notify ISDA's Human Resources office.

Retaliating or discriminating against an employee for complaining about sexual harassment or other illegal discrimination is strictly prohibited. Violation of this policy will result in disciplinary action up to, and including, dismissal.

IV. Implementation

This policy and procedure will be disseminated to all Department employees, and all new employees must receive this within the first 30 days of employment.

V. Investigative Procedure

Employees who believe they that they have been subject to, or have witnessed, conduct prohibited by this policy are encouraged to file a complaint with the Human Resources Office, a

supervisor, or the Director. This provides an opportunity for ISDA Human Resources to investigate claims of harassment or discrimination and respond appropriately. Employees are free to address inappropriate conduct with the offending person. However, an individual may be uncomfortable approaching the alleged harasser and may prefer to pursue the matter through a more formal process. Employees may also file a claim of illegal sexual harassment or illegal discrimination directly with the State of Idaho Division of Human Resources, Idaho Human Rights Commission, and/or the Equal Employment Opportunity Commission (EEOC).

Applicants for employment may file discrimination complaints with ISDA's Human Resources office, the Idaho Division of Human Resources, the Idaho Human Rights Commission, and/or the Equal Employment Opportunities Commission.

Any employee aware of or suspecting the occurrence of sexual harassment or illegal discrimination will be expected to report the matter to his or her supervisor or to ISDA's Human Resources office immediately.

If the report is made to the employee's supervisor, manager, or management authority, the individual must immediately forward the complaint to the Human Resources office for investigation. Supervisors and managers who fail to do so may be subject to disciplinary action up to, and including, dismissal. Individuals involved in the complaint will be advised not to discuss the subject outside of the investigation.

ISDA will then take steps to investigate the matter or to arrange for an investigation of the matter by an independent investigator. An investigation may include:

- Consulting with ISDA's legal counsel;
- Consulting with ISDA's Director's office staff;
- Obtaining a statement from the complainant regarding the times, dates, places, and circumstances surrounding the allegations;
- Obtaining information from witnesses, if any;
- Discussing the matter with the accused and informing the supervisor who will take interim steps to prevent a recurrence of the problem until a permanent solution is obtained;
- Taking such other investigatory steps as may be necessary to ensure that a full and complete investigation is conducted; and
- Completing the investigation and drafting a report. Such reports may contain:
 1. A description of the allegations;
 2. A discussion of all information and witnesses recommended by the complainant and the accused; and
 3. Findings of fact with respect to the allegations.

VI. Confidentiality

Due to the sensitivity and confidentiality necessarily surrounding discrimination and harassment issues, employees who suspect harassment or illegal discrimination or who need information about coping with potential harassment or discrimination may contact the Human Resources office. Human Resources will ensure that no person except those responsible for investigating and enforcing civil rights matters will have access to confidential communications. Upon a

specific request by the employee, the Human Resources office may provide the name of a contact of a different gender than the manager.

The purpose of this provision is to protect the confidentiality of the employee who files a complaint to the extent possible; to encourage the reporting of any incidents of sexual or other harassment; and due to the damage that could result to the career and reputation of any employee falsely or in bad faith accused of discrimination or sexual harassment, all investigations and hearings surrounding such matter will be designed, to the maximum extent possible, to protect the privacy of and minimize suspicion toward the accused, as well as the complainant.

Employees are also expected to maintain confidentiality during the investigative process to ensure a fair and unbiased investigation.

VII. Action and Resolution

Based on the investigation report, the Director or his or her designee will determine what corrective actions should be taken, looking at the record as a whole and the totality of the circumstances, such as the nature of the alleged discrimination or sexual harassment and the context in which it occurred. The determination of the seriousness of a particular action will be made from the facts on a case-by-case basis.

If a foundation for the allegation exists, disciplinary action against the offending employee will follow. Disciplinary action will be commensurate with the scope and severity of the occurrence and may include, but is not limited to, warnings, reprimands, suspension, demotion, or dismissal. Other corrective action may include, but is not limited to, training and/or referral to counseling. Complaints of harassment, discrimination or retaliation not made in good faith may be the subject of appropriate disciplinary action.

Retaliation against any complaining employee, any witness, or anyone involved in a complaint is strictly prohibited. ISDA will pursue any complaint or investigation as appropriate to ensure that no retaliation occurs. Employees should immediately report any retaliation under the complaint procedure as set forth in this policy. ISDA will not tolerate retaliation and will take steps to eliminate retaliation.

VIII. Training

All ISDA employees must receive in-person training regarding discrimination and harassment avoidance within 30-days of initial hire, online annually thereafter and in-person again every three years from their hire date. If employees are unable to attend in-person within their first 30-days, they must receive written approval from their supervisor to attend either via live-stream (as available) or online.