



State of Oklahoma
Human Resources Department
A Division of the Office of Management and Enterprise Services
Policies and Procedures
Diversity

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Date Policy Last Revised:	
Approved: Lucinda Meltabarger	Approval Date: 09/01/2012

Reference: Title VII of the Civil Rights Act 1964, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990 and Amendments of 2008, Merit Protection Commission Rules 455: 10-19-35(g)

Policy

The Office of Management and Enterprise Services (OMES) is committed to fostering, cultivating and preserving a culture of diversity and inclusion. Our human capital is the most valuable asset we have. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities and talent that our employees invest in their work represents a significant part of not only our culture, but our reputation and agency's achievement as well.

It is OMES policy that we embrace and encourage our employees' differences in age, color, disability, ethnicity, family or marital status, gender identity or expression, language, national origin, physical and mental ability, political affiliation, race, religion, sexual orientation, socio-economic status, veteran status, and other characteristics that make our employees unique. Additionally, it is the intention of this policy to prevent and correct discrimination within OMES by making a complaint and investigation procedure available. It is the policy of OMES to promptly investigate and resolve complaints and reports of discrimination. It is against State and Federal civil rights laws and OMES policy to retaliate against any person for asserting his or her civil rights, which includes filing a claim of discrimination or participating as a witness in an investigation. Retaliation and reprisals are not tolerated by OMES.

OMES's diversity initiatives are applicable but not limited to our practices and policies on recruitment and selection; compensation and benefits; professional development and training; promotions; transfers; social and recreational programs; layoffs; terminations; and the ongoing development of a work environment built on the premise of gender and diversity equity that encourages and enforces:

1. Respectful communication and cooperation between all employees.
2. Teamwork and employee participation, permitting the representation of all groups and employee perspectives.
3. Work/life balance through flexible work schedules to accommodate employees' varying needs.
4. Employer and employee contributions to the communities we serve to promote a greater understanding and respect for the diversity.

All employees of OMES have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, at work functions on or off the work site, and at all other agency-sponsored and participative events. Any employee found to have exhibited any inappropriate conduct or behavior against others may be subject to disciplinary action up to and including discharge.

Any employee or applicant with OMES who believe he or she has been subjected to any kind of discrimination that conflicts with the agency's diversity policy and initiatives should promptly seek assistance from a supervisor, manager or the HR Department, and by completing the complaint form.

Retaliation:

No hardship, no loss or benefit, and no penalty may be imposed on an employee as punishment for:

Filing or responding to a bona fide complaint of discrimination or harassment.

Appearing as a witness in the investigation of a complaint.

Serving as an investigator.

Retaliation or attempted retaliation is a violation of this policy and anyone who does so will be subject to severe sanctions up to and including termination.

The Complaint Process

Any person electing to utilize this complaint resolution procedure will be treated courteously, the problem handled swiftly and as confidentially as feasible in light of the need to take appropriate corrective action, and the registering of a complaint will in no way be used against the employee nor will it have an adverse impact on the individual's employment status. While

reporting such incidents would be a difficult personal experience, allowing harassment activities to continue will most certainly lead to less desirable outcomes. For that reason, employees are strongly urged to utilize this procedure. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited.

Confidentiality

The employee assistance program (EAP) provides confidential counseling services to employees. Persons wishing to discuss confidentially an incident or persons seeking information and advice for them personally are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment of the person who is then a client. This in no way will notify the agency of a potential harassment or discrimination issue (see below complaint procedure for more on how to notify OMES of an issue or complaint).

During the complaint process, while the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person regarding action by the office cannot be guaranteed in every instance, they will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of the agency's legal obligation to act upon the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the agency and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law.

Requirement of cooperation

All OMES employees are required to cooperate during an official discrimination complaint investigation. Failure to cooperate may be grounds for disciplinary action. Any participant to a discrimination investigation, who intentionally misdirects the investigation, whether by falsehood or omissions, shall be subject to disciplinary action.

Complaint Procedure

The following complaint procedure will be followed in order to address a complaint regarding harassment, discrimination or retaliation.

1. A person who feels harassed, discriminated or retaliated against may initiate the complaint process by filing a written and signed complaint with the HR Department. No formal action will be taken against any person under this policy unless a written and signed complaint is on file containing sufficient details to allow the HR to determine if the policy may have been violated. The complainant (the employee making the complaint) may use the complaint report form. If a supervisor or manager becomes aware that harassment or discrimination is occurring, either from

- personal observation or as a result of an employee coming forward, the supervisor or manager should immediately report it to the HR Department.
2. Upon receiving the complaint or being advised by a supervisor or manager that violation of this policy may be occurring, the HR Department will review the complaint with OMES's legal counsel.
 3. Within five (5) working days of receiving the complaint, the HR Department will:
 - a. Notify the person(s) charged hereafter referred to as "respondent(s)" of a complaint.
 - b. Initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.
 4. During the investigation, the HR Department, in conjunction with legal counsel or other management employee, will interview the complainant, the respondent and any witnesses to determine whether the alleged conduct occurred.
 5. Within 15 business days of the complaint being filed (or the matter being referred to the HR, the HR or the person conducting the investigation will conclude the investigation and submit a report of his or her findings to the OMES Director.
 6. If it is determined that harassment or discrimination in violation of this agency's policy has occurred, the HR Department will recommend appropriate disciplinary action. The appropriate action will depend on the following factors:
 - a. The severity, frequency and pervasiveness of the conduct;
 - b. Prior complaints made by the complainant;
 - c. Prior complaints made against the respondent;
 - d. The quality of the evidence (first-hand knowledge, credible corroboration etc.).
 7. If the investigation is inconclusive or it is determined that there has been no harassment or discrimination in violation of this policy, but some potentially problematic conduct is revealed, preventative action may be taken.
 8. Within five (5) days after the investigation is concluded, the HR Department will meet with the complainant and the respondent separately in order to notify them in person of the findings of the investigation and to inform them of the action being recommended by the HR Department.
 9. The complainant and the respondent may submit statements to the HR Department challenging the factual basis of the findings. Any such statement must be submitted no later than five (5) working days after the meeting with the HR Department in which the findings of the investigation is discussed.
 10. Within 10 days from the date the HR Department meets with the complainant and respondent, the agency will review the investigative report and any statements submitted by the complainant or respondent, discuss results of the investigation with the HR Department and other management staff as may be appropriate and decide what action, if any, will be taken. The HR Department will report the agency's decision to the complainant, the respondent and the appropriate management assigned to the department(s) in which the complainant and the respondent work. OMES's decision will be in writing and will include finding of fact and a statement for

or against disciplinary action. If disciplinary action is to be taken, the sanction will be stated.

Alternative Legal Remedies

Nothing in this policy shall prevent the complainant or the respondent from pursuing formal legal remedies or resolution through state or federal agencies or the courts. These agencies include the Equal Employment Opportunity Commission and the Oklahoma Human Rights Commission. Each agency has a specific period of time for filing a complaint.