

DISTRICT ATTORNEYS COUNCIL

Non-Discrimination/Anti-Harassment

Handbook

January 2021



Policies and Procedures

I. OBJECTIVE

The purpose of this policy is to assist employees in understanding what discrimination and harassment is and is not, and to provide information on the complaint and investigation procedures for reporting this conduct. By providing this information, the DAC will seek to prevent, correct, and discipline conduct that violates this policy.

The Oklahoma District Attorneys Council (“DAC”) is an equal opportunity employer and prohibits unlawful discrimination or harassment of any kind. In addition, DAC has implemented policies to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee (full or part-time), volunteer, intern, visitor, consultant, or contractor. DAC strives to create and maintain a safe work environment where all individuals are treated with dignity, decency, and respect. Employees should work in a safe environment that is free of intimidation and oppression, and the accomplishment of this goal is essential to the mission of the DAC. All employees are encouraged to assist in keeping DAC a safe workplace, and no retaliation of any kind will occur when an employee, in good faith, reports suspected harassment, discrimination or violence.

II. POLICY

A. EQUAL EMPLOYMENT OPPORTUNITY (EEO)

The U.S. Equal Employment Opportunity Commission (EEOC) enforces [Federal laws prohibiting employment discrimination](#) and prohibits unlawful discrimination and harassment of any type. The DAC is an equal opportunity employer and applies equal opportunities in all aspects of employment practices and personnel actions and prohibits any acts that *limit, segregate, or classify an employee or applicant for employment in a way which would deprive or tend to deprive an individual of employment opportunities because of the employee’s or applicant’s race, color, religion, political affiliation, sex, veteran status, national origin, age, genetic information, gender identity, sexual orientation, or disability, unless the accommodation for the disability would impose an undue hardship on the operation of the agency.*

B. DISCRIMINATION

Discrimination is the act of distinguishing one person or group of persons from others, either intentionally, by neglect, or by effect of actions or lack of actions, based on their protected class. Any form of unlawful discrimination to which this policy applies is a very serious matter and will not be tolerated.

Harassment

Harassment is a form of discrimination and is a verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of that person’s race, color, religion, sex, national origin, age, pregnancy, disability, genetic (personal or family medical history) information, gender identity, sexual orientation, veteran status or protected activity. Harassment is covered by Equal Employee Opportunity (EEO) laws and any such conduct is a violation of this policy. Unlawful harassment does one or more of the following:

- Creates an intimidating, hostile, or offensive work environment.
- Unreasonably interferes with an individual’s work performance.

- Adversely affects an individual's employment opportunities.

The Oklahoma legislature passed a new law effective in 2019, titled the Protection from Workplace Harassment and Violence Act. See [12 O.S. § 1398](#). This Act provides employers the ability to acquire an injunction prohibiting workplace harassment on behalf of the employer, employees, or any person who enters the property of the employer or who is performing official work duties on behalf of or for the benefit of the employer. Listed below are terms defined under the Act:

- **Course of conduct** means a pattern of conduct composed of a series of two or more separate acts over a period of time, however short, evidencing a continuity of purpose.
- **Credible threat of violence** is a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety or the safety of his or her immediate family, and that serves no legitimate purpose.
- **Employer** means an individual, partnership, association or corporation or a person or group of persons who act, directly or indirectly, on behalf of or in the interest of an employer and with the consent of the employer. For purposes of this policy, "Employer" includes the State of Oklahoma and the DAC (as a political subdivision of the State).
- **Workplace harassment** means a pattern or course of conduct that is directed toward another individual in a workplace that includes repeated or continuing contact that would cause a reasonable person to suffer emotional distress and that actually causes emotional distress to the victim. "Workplace harassment" includes, but is not limited to, credible threats of violence.

Although the law doesn't prohibit simple teasing or offhand comments, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

Bullying

According to the Workplace Bullying Institute, workplace bullying is abusive conduct that takes the form of verbal abuse, threats, humiliation, intimidation, or interference that prevents the targeted individual from getting work done. Verbal bullying includes teasing and threatening to cause harm, and social bullying in the workplace might happen by leaving someone out of a meeting on purpose or publicly reprimanding someone. Bullying is actionable under federal law as a hostile work environment claim, only when the basis for it is tied to a protected category, such as race or sex.

Bullying behavior may or may not constitute unlawful harassment, but it is prohibited by DAC policy. DAC is committed to a work environment in which all individuals are treated with respect and dignity, and all DAC employees are expected to maintain a business-like manner that is free of bias, prejudice, and harassment. If you feel you are being bullied at work, contact your Supervisor, Human Resource personnel, the Assistant Executive Coordinator, or the Executive Coordinator.

Protected Characteristics

Protected characteristics are characteristics or traits of a person that may not be used as a basis for decision making in the workplace or used against an individual to create a hostile workplace, and if used, will constitute unlawful discrimination or harassment. Set out below are a list of protected characteristics or traits:

- **Race and color** refers to an individual's race (e.g., African American, Asian American, etc.) or specific race-linked traits, such as facial features, hair, and skin tone.
- **National origin** refers to an individual's place of origin or their ancestor's place of origin. It may include an individual's country (e.g., U.S., Mexico, China, or Syria) or a geographic region. Additionally, it can include an individual's ethnic or cultural characteristics such as

attire or diet, or linguistic characteristics such as a foreign accent or limited English proficiency.

- **Religion** refers to an individual's particular religion (including atheism or lack of religious belief), religious practices, religious dress, a request for a religious accommodation, or receipt of a religious accommodation. It does not include political or scientific beliefs.
- **Sex** refers to males and females, and both sexes are protected against discrimination and sexual harassment. Discrimination or harassment may consist of unwelcome sexual attention or coercion, such as pressure for sexual favors, touching or caressing, or sexually teasing remarks. While unwelcome or uninvited conduct or communication of a sexual nature is prohibited, not all actions or words are unlawful. Consent can be given to a relationship and then withdrawn when the relationship ends. Once it is withdrawn, continued romantic or sexual words or actions are not protected by the past relationship and may be sexual harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful behavior when:
 - Made either explicitly or implicitly a term or condition of an individual's employment;
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. See [29 C.F.R. § 1604.11 \[1980\]](#).

Other forms of unlawful sex-based harassment or discrimination are defined below:

- Sex stereotyping occurs when an employer discriminates against an employee, because he or she does not conform to gender, and is based on an individual's non-conformance with social or cultural expectations of how men and women usually act. This includes conduct based on gender-stereotyped assumptions about family responsibilities.
 - Pregnancy, childbirth, or related medical conditions (including lactation) based discrimination is prohibited by the Federal Civil Rights Act and the Oklahoma Anti-Discrimination Act (OADA), which specifically states that "women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment-related purposes as other persons not so affected but similar in their ability or inability to work."
 - Sexual Orientation is based on the status of an individual because they are lesbian, gay, bisexual, or heterosexual.
 - Gender identity is based on an individual's transgender status or the individual's intent to transition. It also includes using a name or pronoun inconsistent with the individual's gender identity in a persistent or offensive manner. "Gender Harassment", is hostile behavior devoid of sexual interest and can include gender-based epithets, sexist comments (such as telling anti-female jokes), and remarks that are unrelated to sex but still motivated by the targeted employee's gender. It aims to insult and reject women or men because of their sex, rather than to pull them into a sexual relationship.
- **Age** discrimination involves treating an applicant or employee less favorably because of his or her age. [The Age Discrimination in Employment Act \(ADEA\)](#) forbids age discrimination and harassment against people who are age 40 or older. It does not protect workers under the age of 40, although some states have laws that protect younger workers from age discrimination. It is not illegal for an [employer or other covered entity](#) to favor an older worker over a younger one, even if both workers are age 40 or older. Additionally,

employment policies or practices that apply to everyone, regardless of age, can be illegal if the policies have a negative impact on applicants or employees age 40 or older, **and it is not based on a reasonable factor other than age** (RFQA).

- **Disability** is defined by the **Americans with Disabilities Act (ADA)** as a person that has a physical or mental impairment that has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities (e.g., using a telephone, reading a book, or using public transportation). For more information on disabilities and the ADA, refer to section C. that is listed below.
- **Veteran Status** cannot be used to deny employment, harass, demote, terminate, pay a lower wage, or treat an individual less favorable. Additionally, it is illegal for an employer to deny employment, re-employment, retention in employment, promotion, or any benefit of employment to an employee who is a member of or has an obligation to perform service in a uniformed military service of the United States, including the National Guard. A disabled veteran can request, and the employer must provide, a reasonable accommodation, unless doing so would cause the employer significant difficulty or expense.
- **Genetic information** includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e., family medical history). For example, it is unlawful to ask an employee if Huntington's disease runs in his or her family.

C. **AMERICANS WITH DISABILITIES ACT (ADA)**

The Americans with Disabilities Act (ADA) forbids disability discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment. Title I of the ADA requires government employers to provide reasonable accommodation to qualified applicants and employees with a disability unless the employer can demonstrate that doing so creates an undue hardship to the employer or poses a direct threat to the safety of the employee or others in the workplace. See **25 O.S. § 1301**.

Not everyone with a medical condition is protected by the law. In order to be protected, a person must be qualified for the job and have a disability as defined by the law.

Disability

A **Qualified Individual with a Disability** is a person who satisfies the necessary prerequisites of the job (e.g., skill, experience, education and other job-related requirements of the position) and who, with or without reasonable accommodations, can perform the essential functions of such position. To be protected by the ADA, a person must not only be an individual with a disability, but must be qualified.

Under the ADA, a disability exists when a person can show that he or she has a disability in one of these three ways:

- A person may be disabled if he or she has a physical or mental impairment that substantially limits a major life activity (e.g., walking, talking, seeing, and hearing). A person does not have to be fully unable to work in order to be considered substantially limited in working. The person must be significantly restricted in the ability to perform either a class of jobs or a broad range of jobs in various classes, compared to an average person with similar training, skills, and abilities.
- A person may be disabled if he or she has a record or history of a disability (e.g., cancer that is in remission). This includes people who have a history of a disability, whether or not they currently are substantially limited in a major life activity. The ADA protects people who may have been misclassified or misdiagnosed as having a disability, but to be protected by the ADA under this

part of the definition, a person must have a record of a physical or mental impairment that substantially limits one or more major life activities.

- A person may be disabled if he or she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if he or she does not have such an impairment). If an employer makes an adverse employment decision based on unsubstantiated beliefs or fears that a person's perceived disability will cause problems with their work, and the employer cannot show a legitimate, nondiscriminatory reason for the action, that action would be discriminatory under this part of the definition.

Definitions

- **Major Life Activities**

Caring for oneself	Performing manual tasks	Seeing (Vision)
Hearing	Eating	Sleeping
Walking	Standing	Lifting
Learning	Speaking	Breathing
Thinking	Reading	Concentrating
Working	Communicating	Major bodily functions

- **Reasonable Accommodation** is any change in the work environment or adjustment in the manner a task is normally performed which enables a qualified individual with a disability to have equal access to the application process, be able to perform the essential functions of the position held or desired, and have benefits and privileges of employment equal to those of non-disabled individuals. Reasonable accommodations may include, but are not limited to, the following:
 - Making the physical work environment accessible to and usable by a person with disabilities.
 - Modifying a job so a person with a disability can perform the essential functions of the job. This may involve eliminating non-essential elements or changing procedures.
 - Acquiring or modifying equipment or devices.
 - Providing qualified readers or interpreters.
 - Reassigning or referring an employee with a disability to a vacant position, if attempts at other suggested or recommended methods of reasonable accommodation have failed.
- **Undue Hardship** is an action requiring significant difficulty or expense; one that is unduly costly, extensive, substantial, disruptive, or that will fundamentally alter the nature of the employment. Evaluation is individualized and on a case-by-case determination, which is generally made by comparing the nature and cost of the accommodation in relation to the DAC's resources and operations.
- **Essential Functions** are the fundamental job duties that an individual must be able to perform on their own or with the help of a reasonable accommodation and are used to determine the rights of an employee with a disability under the ADA. If a person has a disability, the person must also be qualified to perform the essential functions or duties of a job, with or without reasonable accommodation, and must satisfy the job's requirements (e.g., education, employment experience, skills, or licenses), in order to be protected from job discrimination by the ADA.
- **Accessibility** to the workplace is an important component of the ADA. The DAC is responsible for providing an accessible workplace and ensuring all of its programs are accessible when viewed in its entirety (e.g., relocating meeting spaces when a building is not accessible, providing interpreters, engaging in website disability compliance). If an employee becomes

aware of any obstacles or damage to the building or DAC office space that would inhibit a person with a disability, please report it to the DAC Executive Assistant or HR Personnel.

- **Service Animal** is a dog that has been individually trained to perform tasks or do work for the benefit of a person with a disability. Service animals who are used as a guide or signal for people who are blind, deaf or hard of hearing, or otherwise physically disabled are allowed in public buildings and are required to wear an identifying collar. Emotional support animals are not covered under the ADA and are not at this time authorized for the DAC workplace.
- **The U.S. Equal Employment Opportunity Commission (EEOC)** has responsibility for enforcing compliance with Title I of the ADA. An employee who feels that she/he has been discriminated against in employment on the basis of disability or feels she/he has experienced retaliation from their employer for asserting their disability rights, can file a charge at the EEOC at (405) 231-4911. An individual, group, or organization can also file a charge on behalf of another person. The charge must be filed with the EEOC within 180 days of the alleged discriminatory act. For more information, employees can review the following websites:
 - Oklahoma State Office of Disability Concerns
https://www.ok.gov/odc/A.D.A/Fact_Sheets/2010_ADA_Standards.html
 - U.S. Department of Labor: Americans with Disabilities Act
<https://www.dol.gov/general/topic/disability/ada>

Steps for Requesting an Accommodation

If a DAC employee would like to request assistance due to a disability, please follow these steps:

1. Contact your Supervisor and a HR Officer to alert them of your request for an accommodation. In order to begin the process, the proper forms and paperwork will be provided to you.
2. Complete the DAC Request for Reasonable Accommodation Form and have your physician complete the Accommodation Medical Certification Form (provided by HR or can be found on the DART Board under Employee Info = Forms). The employee's job description will be provided to the physician to assist with identification of "essential duties." *Note, when the need for an accommodation is obvious, a Medical Certification form will not be required.*
3. In non-physician review cases, decisions regarding accommodations will be made within ten (10) business days after receiving the Request for Accommodation form. *Note, due to delays that may be caused in communications with physicians, no specific decision date can be provided for physician review cases.*
4. The employee's Supervisor or an HR officer will notify the employee whether an accommodation has been approved or denied. If it is approved, the employee will meet with the Supervisor and the HR Officer to discuss the most effective accommodation, taking into account the employee's job functions and the DAC's operational necessities. If the disability requires the employee to be off work and the accommodation is approved, the employee will be entitled to reinstatement of their previous job unless doing so will create an undue hardship on the DAC. If the employee has exhausted all FMLA leave and is granted time off work as a reasonable accommodation, employees are not entitled to paid benefits.

D. RETALIATION/WHISTLE BLOWER'S ACT

DAC policy forbids a person to retaliate or discriminate against an employee for reporting, testifying, assisting, or participating in an investigation or hearing regarding conduct that they in good faith believe to be unlawful discrimination, harassment, or retaliation. Any person who violates this aspect of the policy will be subject to discipline.

To protect employees from retaliation for reporting improper activities and to address written complaints by employees, the DAC strictly adheres to the **Oklahoma Whistleblower Act**. See [Title 74 § 840-2.5](#). This Act states no state agency shall take disciplinary action against employees for:

- Disclosing public information to correct what the employee reasonably believes evidences a violation of the Oklahoma Constitution or law or a rule promulgated pursuant to the law;
- Reporting a violation of the Oklahoma Constitution or a violation of any state or federal law, rule, or policy;
- Reporting mismanagement, a gross waste of public funds, an abuse of authority, or a substantial and specific danger to public health or safety;
- Discussing the operations and functions of the agency, either specifically or generally, with the Governor, members of the legislature, the print or electronic media, or other persons in a position to investigate or initiate corrective action; or
- Taking any of the above actions without giving prior notice to the employee's supervisor or anyone else in the employee's chain of command.

E. FALSE CLAIMS

Any person found to have intentionally falsified a claim of harassment or discrimination, or who lodges a claim for malicious or improper reasons, is subject to immediate discipline, up to and including discharge.

III. GRIEVANCE PROCEDURES

DAC encourages all employees to help keep the work environment free of harassment, and no retaliation of any kind will occur because you have, in good faith, reported an incident of suspected harassment.

A. FILING A COMPLAINT

Any employee who is subjected to or has witnessed behavior that he or she believes may violate the DAC's policies regarding inappropriate behavior, including potential sexual or other unlawful harassment or discrimination, should report that conduct immediately to their Supervisor, HR Officer, Assistant Executive Coordinator, or the Executive Coordinator.

The initial complaint may be made verbally but should be followed up by filling out the *DAC Discrimination Complaint* form, attached as Appendix A. A HR Officer will be available to assist employees through this process. Exceptions to the written complaint may be made on a case-by-case basis but only after approval by the Executive Coordinator. In order to properly prepare a report and investigate the complaint, the following facts and information should be included in the complaint:

- Identity of the individual(s) alleged to have engaged in the prohibited conduct.
- Identity of the victim (person submitting the complaint may or may not be the alleged victim).
- Dates, times, and locations of all incidents of harassment or discrimination;
- Detailed factual description of the harassment or discrimination.
- Names of all individuals present during the challenged conduct, or those who could corroborate or refute the facts alleged.

Complaints must be filed no later than one hundred eighty (180) calendar days after the last date an alleged act of discrimination or harassment has occurred; however, employees are encouraged to report as soon as possible after the first day an alleged act of discrimination has occurred. A person filing a complaint under the Omnibus Crime Control and Safe Streets Act or the Violence Against

Women Act must file a complaint within one year from the last act of alleged discrimination or retaliation.

All complaints will be dealt with promptly and confidentially, to the extent possible, in light of the need to take appropriate corrective action. Filing a complaint will not be used against an employee or have an adverse impact on that individual's employment status; however, filing a false or malicious complaint with no merit is an abuse of this policy and will be treated as a violation.

If any allegations of abuse include the Executive Coordinator, an outside source will be brought in to facilitate the process.

Complaints should be submitted using the *DAC Discrimination Complaint* form, which has been attached as Appendix A and can be accessed by clicking [HERE](#).

B. INVESTIGATION PROCESS

The purpose of the investigation is to gather facts related to the complaint and to determine whether it is more likely than not that, the accused party engaged in conduct constituting discrimination. Although the investigation process is not considered adversarial, a party may at his or her own expense, seek the advice of a personal attorney or advisor throughout the process. All reported violations of this policy will result in a prompt and thorough investigation and shall comply with relevant state and federal laws. If the complaint was reported to a supervisor, HR officer, or the Assistant Executive Coordinator, the Executive Coordinator will be notified of the complaint and the following will occur:

- An interview with the person filing the complaint and the Executive Coordinator, and/or the Assistant Executive Coordinator, to discuss any relevant information related to the allegation. The individual's immediate supervisor may or may not be asked to join the meeting, depending on the circumstances surrounding the complaint. If the reporting party is also the alleged victim of the abuse, that individual will be advised of the option to file with an external agency, proceed with an internal complaint procedure, or do both;
- An interview with the individual that the complaint has been filed against. At this time, they will have the opportunity to respond to the allegations and will be advised of the requirement that retaliation against the complaining party or anyone participating in the investigation is strictly prohibited; and
- An interview with any witnesses to determine the facts surrounding the complaint.

If any allegations of abuse include the Executive Coordinator, an outside source will be brought in to facilitate the process.

C. RESOLUTION

If it is determined that this policy has been violated, the Executive Coordinator and/or the Assistant Executive Coordinator will recommend the appropriate disciplinary action. The DAC understands that each situation is unique and will use the method that is proper for the given situation. The severity and frequency of the conduct and whether any prior complaints have been made against the individual are factors that will be considered and disciplinary actions will be proportional to the seriousness of the offense. Set out below are some possible actions that may be taken:

- The parties may agree to involve a mediator to help informally resolve the dispute.
- The accused employee may be ordered to attend additional anti-discrimination training and education, counseling, or receive an oral warning.
- If the investigation is inconclusive or if it is determined that there has been no violation of this policy but potentially problematic conduct may have occurred, the Executive Coordinator and/or the Assistant Executive Coordinator may recommend preventive action.
- Depending on the severity of the violation, termination may be warranted.

D. ALTERNATIVE LEGAL REMEDIES

Nothing in this policy prevents either the individual filing the complaint or the person named in the complaint, from pursuing formal legal remedies or resolution through local, State, and Federal agencies or the courts. If you believe you have been subjected to harassment or discrimination, you may also contact the Oklahoma Office of the Human Rights Commission, the Equal Employment Opportunity Commission or legal counsel.

If a complaint is against the DAC or a sub-recipient implementing funding from the DOJ and alleges discrimination on the basis of race, color, national origin, sex, religion, sexual orientation, gender identity, physical or mental disability, or age, or alleges retaliation against a person for having engaged in protected activity, an individual may also submit a complaint to:

- United States Department of Justice, Office of Justice Programs, Office for Civil Rights, 810 Seventh Street NW, Washington, DC 20531, Phone: 202-307-0690 www.ojp.usdoj.gov/about/offices/ocr.htm; or
- Oklahoma Office of the Attorney General, Office of Civil Rights Enforcement (OCRE), 313 N.E. 21st Street, Oklahoma City, OK 73105, Phone: 405-521-3441, www.oag.state.ok.us/oagweb.nsf/ocre.

IV. FEDERAL GRANTS

A. DISCRIMINATION

The DAC serves as the State Administering Agency (“SAA”) for many federal grant programs. As such, the DAC must ensure that the civil rights of employees of the DAC are protected, as well as those who receive services from the DAC and any recipients of federal grant funding administered by the DAC (“subrecipient”). Therefore, this policy also encompasses written procedures for DAC employees to follow when they receive a complaint alleging discrimination in the delivery of services from clients, customers, program participants, or consumers of the DAC and any of the DAC subrecipients implementing grant funding from the U.S. Department of Justice (“DOJ”).

In using and administering federal grant funds, neither the DAC nor any subrecipient may discriminate against any person on the basis of the person’s race, color, national origin, sex, religion, disability or age, or retaliate against any person for having engaged in protected activity. In addition, subrecipients of grants under the Violence Against Women Act (VAWA) of 1994, as amended, are prohibited from discriminating on the basis of sexual orientation or gender identity.

Federal Grants

By virtue of receiving federal grant funding, the DAC, including its employees, contractors and subrecipients must comply with the following federal civil rights laws and regulations:

- **Title VI of the Civil Rights Act of 1964**, as amended, 42 U.S.C. § 2000d et seq. and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpts. C & D (prohibits discrimination in federally assisted programs based on race, color, and national origin in the delivery of services or benefits);
- **Section 504 of the Rehabilitation Act of 1973**, as amended, 29 U.S.C. § 794, and the DOJ implementing regulation, 28 C.F.R.pt. 42, subpt. G (provides that no qualified individual with a disability shall, because of such disability, be excluded from

- participation in or be denied the benefits of the services, programs, or activities in federally assisted programs);
- **Title IX of the Education Amendments of 1972**, as amended, 20 U.S.C. § 1681 et seq. and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpt. D & pt. 54 (prohibits discrimination in any federally funded education program or activity based on sex both in employment and in the delivery of services or benefits);
 - **Age Discrimination Act of 1975** as amended, 42 U.S.C. § 6102, and the DOJ implementing regulation, 28 C.F.R. pt. 42, subpt. I (prohibits discrimination in federally funded assisted programs based on age in the delivery of services or benefits);
 - **Executive Order 13559**, amending Executive Order 13,279, and the DOJ implementing regulation, Partnerships with Faith-Based and Other Neighborhood Organizations, 81 Fed. Reg. 19,418-21 (Apr. 4, 2016), to be codified at 28 C.F.R. pt. 38 (prohibits discrimination in federally assisted social service programs based on religion in the delivery of services or benefits);
 - **Title II of the Americans with Disabilities Act of 1990**, as amended, 42 U.S.C. §§ 12132, and the implementing regulation at 28 C.F.R. § 35.171(a)(1)(i), (3)(i), (prohibits discrimination based on disability both in employment and in the delivery of services or benefits);
 - **Omnibus Crime Control and Safe Streets Act of 1968 (Safe Streets Act)**, as amended, 34 U.S.C. § 10228(c) and 10221(a), and the DOJ implementing regulations, 28 C.F.R. pt. 42, subpts. D (prohibits discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion, and E. requires certain DOJ-funded programs subject to the administrative provisions of the statute, to prepare, maintain, and submit an (EEO) Equal Employment Opportunity Plan);
 - **Juvenile Justice and Delinquency Prevention Act of 1974 (JJDPA)**, as amended, 34 U.S.C. § 11182(b), and the DOJ implementing regulations, 28 C.F.R. §§ 31.202, pt. 403 & pt. 42, subpt. D (prohibits discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, and religion);
 - **Victims of Crime Act of 1984 (VOCA)**, as amended, 34 U.S.C. § 20110(e) and the regulation implementing the Victim of Crime Act Victim Assistance Program, 81 F.R. § 44,515, 44,532 (July 8, 2016), to be codified at 28 C.F.R. § 94.114, (prohibits discrimination in programs funded under the statute, both in employment and in the delivery of services or benefits, based on race, color, national origin, sex, religion, and disability); and
 - **Violence Against Women Act of 1994 (VAWA)**, as amended, 34 U.S.C. § 12291(b)(13), (prohibits discrimination in programs either funded under the statute or administered by the Office on Violence Against Women, both in employment and in the delivery of services or benefits, based on actual or perceived race, color, national origin, sex, religion, disability, sexual orientation, and gender identity – referring to the Safe Streets Act for enforcement).

Complaint Procedures

Complaints alleging employment discrimination by a federal grant subrecipient must be submitted to the office of the Executive Coordinator. DAC has set policies and procedures for complaints submitted from subrecipients or those served by the federal grant funding as set out below:

1. Procedures for responding to discrimination complaints from clients, customers, program participants, or consumers of the Oklahoma District Attorneys Council (DAC) and the DAC's subrecipients, please click [HERE](#).
2. Procedures for responding to discrimination complaints from employees of DAC's subrecipients under U.S. Department of Justice Grant Programs, please click [HERE](#).

Complaints should be submitted using the *DAC Discrimination Complaint* form, which has been attached as Appendix A and can be accessed by clicking [HERE](#).

B. WORKPLACE-RELATED SEXUAL MISCONDUCT AND DOMESTIC/DATING VIOLENCE POLICY

The Office on Violence Against Women, U.S. Department of Justice (“**OVW**”), has adopted a Special Condition on Workplace-Related Sexual Misconduct and Domestic/Dating Violence (“**Special Condition**”). The OVW has required policies and obligations under the Special Condition for grant recipients and subrecipients. As a grant recipient, DAC has implemented OVW's Special Condition policy to address workplace-related incidents of sexual misconduct, domestic violence, and dating violence involving an employee (full or part-time), volunteer, intern, visitor, consultant, or contractor. The details of this requirement are posted on the OVW web site at <https://www.justice.gov/ovw/award-conditions>.

Purpose

DAC institutes this policy as part of its commitment to a safer and more supportive organizational climate and to the prevention and reduction of the occurrences and effects of workplace-related incidents of sexual misconduct, domestic violence, and dating violence. Violence can be workplace-related even if incidents occur elsewhere. It crosses economic, educational, cultural, age, gender, racial, and religious lines and occurs in a wide variety of contexts.

The purposes and goals of this policy are to:

- Support a comprehensive workplace education and training to prevent violence;
- Institutionalize responsive policies and procedures to assist and support workers who are impacted by violence;
- Discipline and hold accountable workers who use violence, which – in certain cases – may include such assistive and supportive measures as requiring counseling; and
- Assure that a worker who uses violence is prohibited from occupying positions that could undermine DAC's mission – as well as the mission of other grantees.

Code of Conduct

1. **Sexual Misconduct, domestic violence & dating violence (“violence”)** perpetrated by DAC employees (full and part-time), volunteers, interns, visitors, consultants, or contractors (**collectively referred to as “Workers”**) undermine DAC's mission and purpose. Accordingly, DAC expressly prohibits acts of violence perpetrated by Workers in any DAC-related or private capacity, including any DAC-sanctioned event or DAC-related social occasion regardless of where it occurs.

2. DAC is committed to the safety and restoration of workers who have experienced or witnessed violence. Workers who have experienced or witnessed violence are encouraged to document in writing as much information as possible, and report incidents to any supervisor.
3. Supervisors must report all work-related violence that they are aware of to the DAC Executive Coordinator. Please consult the DAC Executive Coordinator for more information about the supervisor's duty to report.
4. DAC encourages workers who experienced or witnessed violence to request any reasonable accommodation necessary for their immediate safety needs and physical and emotional well-being.
5. Workers accused of using violence shall cooperate with all internal and external investigations.
6. DAC prohibits all acts of retaliation against any worker who has experienced, witnessed, or reported an act of violence.
7. DAC may terminate any formal or informal relationship with workers who have been adjudicated as having used violence.

Definitions

- **“Adjudication”** includes a conviction, issuance of a final protection order, court-ordered diversion, or other judicial finding that the worker has engaged in domestic violence, dating violence, sexual assault, stalking, or other related offenses.
- **“Domestic violence”, “dating violence,” “sexual assault,” and “stalking”** have the meanings given in 34 U.S.C. Section 12291(a).
- **“Sexual misconduct”** means sexual assault, stalking, and sexual harassment.
- **“Sexual harassment”** means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment, whether such activity is carried out by a supervisor or by a co-worker, volunteer, or contractor.
- **“Workplace.”** An individual is considered to be in the **workplace** of the recipient or subrecipient while in, or using the resources of, the recipient's or subrecipient's offices or facilities, using its equipment or vehicles, engaging in approved telework, on work-related travel, or otherwise conducting business on behalf of the recipient or subrecipient. The availability and nature of the response to a workplace-related incident may depend on the location at issue.
- **“Workplace-related incidents”** of sexual misconduct, domestic violence, and dating violence include acts, attempted acts, or threatened acts by or against employees, consultants, volunteers, or contractors, that occur in the workplace or that occur outside the workplace but have an impact on the workplace or otherwise undermine the ability of the recipient or subrecipient to carry out the grant-funded project.

Confidentiality

DAC recognizes and respects a Worker's right to privacy and the need for confidentiality and autonomy. DAC shall maintain the confidentiality of a Worker's disclosure regarding violence to the extent allowed by law, and unless to do so would result in physical harm to any person, and/or jeopardize safety within any location or event controlled by DAC.

When information must be disclosed to protect the safety of individuals within any location or event controlled by DAC, DAC shall limit the breadth and content of such disclosure to information reasonably necessary to protect the safety of the disclosing Worker and others, and to comply with the law. To the extent possible, DAC shall provide advance notice to the disclosing Worker if the disclosure must be shared with other parties, in order to maintain safety in any location or event controlled by DAC or elsewhere.

DAC shall also provide the Worker with the name and title of the person to whom DAC intends to share the Worker's statements, and shall explain the necessity and purpose regarding said disclosure.

Procedural Steps for Allegations of Violence

1. Reporting Violence

Workers and/or supervisors who have information about or witness an act of violence perpetrated by another Worker or supervisor, or who have information about or witness violence against a Worker or supervisor, should report this information to the DAC Executive Coordinator. The *DAC Incident Report for Workplace Violence or Threats of Violence Form* is attached as Appendix B.

If DAC receives information that alleges or suggests that an employee, volunteer, consultant, or contractor has perpetrated violence, then the matter shall be referred to the Executive Coordinator for the purpose of investigating the information or allegation.

2. Response and Investigation to Allegations of Violence

If DAC receives information that alleges or suggests that a Worker has committed an incident of workplace-related violence, as defined in this Policy, or if any supervisor receives information that any Worker has engaged in an incident of workplace-related violence, then the matter shall be referred to the DAC Executive Coordinator. At that time, the DAC Executive Coordinator will investigate, or designate an individual as “investigator” to review the information or allegation.

The assigned investigator shall conduct an immediate investigation regarding the allegation, which shall be completed within 45 days of receipt of the information or allegation concerning the alleged incident of violence. During the pendency of the investigation, DAC has the discretion to suspend the obligations and performance requirements of all parties to this agreement until the investigation is complete.

Every Worker has a duty to cooperate with the investigation, and failure to do so will result in disciplinary action being taken against the uncooperative Worker up to and including termination or severance of a working or contractual relationship. Additionally, every Worker has the duty to be truthful and must disclose all the information they know regarding the alleged incident of violence, when requested to do so by the DAC Executive Coordinator or assigned investigator. Any Worker who fails to be completely truthful or who withholds information, shall be subject to disciplinary action up to and including termination or severance of a working or contractual relationship.

At the conclusion of the investigation conducted by DAC, the investigator shall report their finding to the DAC Executive Coordinator. If the DAC Executive Coordinator

concludes from the investigation report, by a preponderance of the evidence, that the Worker has engaged in a workplace-related incident, as defined in this Policy, then that Worker shall be subject to disciplinary action, up to and including termination, or severance of a contractual or working relationship. The Worker might also be required to participate in counseling or other remedial measures.

A Worker, who is subject to a protection or restraining order or is a named defendant in a criminal action, that is a result of a threat or act of violence, as defined in this Policy, must notify the DAC's Human Resources (Elizabeth Base or Kathy White) immediately regarding the existence of such criminal or civil action. Failure to disclose the existence of such criminal or civil actions in these circumstances will result in disciplinary action, up to and including termination from employment or severance of a contractual relationship.

3. Responses to a Worker Adjudicated for Using Violence

In the event it is determined by the DAC Executive Coordinator that a Worker has engaged in workplace-related incident, as defined by this Policy, or the Worker has been found guilty or liable in a criminal or civil action arising from a threat or act of violence, as defined in this Policy, the DAC Executive Coordinator shall determine whether a continued employment, or contractual, or volunteer relationship with the Worker would undermine DAC's ability to carry out Office on Violence Against Women (OVW) grant-funded projects. If so, the DAC Executive Coordinator shall remove the Worker from any position that may undermine DAC's ability to carry out OVW grant-funded projects. Other possible requirements for a Worker adjudicated for using violence may include adjustment to the Worker's location of their workstation and requirements to participate in counseling or other remedial or restorative measures.

DAC may grant an exception and allow a Worker who has previously adjudicated of having used violence by any jurisdiction, to occupy a position that could otherwise undermine the ability of DAC to carry out the OVW funded project, so long as DAC can establish that the Worker has met the following qualifications:

- No survivor of violence used by the Worker, nor any family member or friend of a survivor of violence used by the Worker, will encounter the Worker in any DAC-controlled capacity;
- The Worker evidences accountability, restoration, and rehabilitation; and
- DAC mission would benefit from the Worker's experience.

All terminations of any employment or contractual relationship with a Worker pursuant to this provision, as well as any exception granted pursuant to this provision (including the standards DAC relied upon in granting an exception), must be reported to OVW.

4. Victims/Survivors of Violence

Workers who are surviving violence, and Workers or supervisors concerned about coworkers who might be victims of violence, are encouraged to provide a report to DAC. DAC has designated Suzanne Breedlove as the person to whom such reports should be made. Suzanne shall provide community referral and resources in order to assist Workers with their experiences and concerns.

In addition, DAC will provide reasonable accommodations for victims/survivors of violence working at DAC, which may include but are not limited to:

- Flexible scheduling and leave in order to access health care, counseling, legal support, and attend to other needs;

- Adjustments to job site infrastructure (e.g., relocating work station, changing contact information, enhancing security protocols, etc.); and/or
- Support in reporting to law enforcement, if the victim/survivor so chooses.

5. Reporting Violation of Policy

Any individual, who wishes to report a violation of this policy, should also contact the DAC's HR Department, a supervisor, or the Executive or Assistant Executive Coordinators of DAC.

Whistleblower Information

Employees of Department of Justice grantees perform an important service by reporting what they reasonable believe to be evidence of wrongdoing. DAC policy forbids a person to retaliate against a Worker for reporting or assisting in an investigation regarding conduct that they in good faith believe to be in violation of this Policy. Under the National Defense Authorization Act of 2013 (NDAA), it is illegal for an employee of a Federal grantee to be discharged, demoted, or otherwise discriminated against for making a protected whistleblower disclosure. Any person who violates this aspect of the Policy will be subject to discipline.

The Department of Justice Office of the Inspector General (DOJ OIG) has jurisdiction to investigate allegations of reprisal for whistleblowing by employees of grantees. Information on how to report suspected reprisal to the OIG is available at <https://oig.justice.gov/hotline>.

V. ASSISTANCE

Limited English Proficiency (LEP)

The DAC will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in the services available through the DAC. The policy of the DAC is to ensure meaningful communication with LEP victims of crime and their authorized representatives involving their victims' compensation application. Click [HERE](#) to access the DAC's *POLICY AND PROCEDURES FOR COMMUNICATION WITH PERSONS WITH LIMITED ENGLISH PROFICIENCY*.

Training

The DAC shall provide periodic training on the procedures set forth in this policy to all DAC employees. Additionally, the DAC shall require sub-recipients to implement policies against discriminating and/or harassing behavior and conduct and document periodic training on those policies.

Employee Assistance Program (EAP)

The State Employee Assistance Program (EAP) is a confidential, voluntary service made available to all employees, retirees, and their immediate family members, and the mission of the EAP is to ***“empower state agencies and employees to build hope and resilience by educating and promoting positive mental health.”***

The Office of the Oklahoma EAP is a cooperative effort between employees and administration to help employees gain access to professional services in resolving personal problems (e.g., personal problems that may have a negative impact on job performance, assistance seeking corrective help with medical or mental health problems, including alcohol or drug abuse, and emotional, marital, familial, financial or other personal problems). The EAP services are designed to be an “on-ramp” to other services. This means from the very start, the employee/family member is actively engaging in the next steps to identify coping strategies and needed resources for the employee or family member to move forward

independently. This can be by either short-term services (5 visits or less) or linkage to resources, such as long-term services outside our office.

Meetings with EAP staff are offered at no direct cost to employees. If an employee needs long-term counseling or a specialized service, EAP will assist in locating the most appropriate resource in the community. It is the responsibility of the employee to pay for any service(s) provided by outside resources. Insurance coverage under the Group Health Plan provided to employees may defray some or all of the cost of service. Depending on the type of services sought, an employee seeking the assistance of the EAP may request sick or annual leave to consult with an EAP professional.

The EAP website provides the following information:

If you are a *State of Oklahoma Employee or Family Member* and would like to set up a new client appointment, please fill out the following intake forms (please sign the bottom of the forms by using your mouse as a pen). You cannot complete the next steps until the forms are completely filled out.

If you are in crisis or this is an emergency, please go to the nearest emergency room or crisis center near you. You can also call the Heartline @ 2-1-1 and receive resources or crisis help. Once you have completed the forms and have not received a response within 48 hours please e-mail or call the office.

[NEW CLIENT FORMS ADULT](#)

[NEW CLIENT FORMS CHILD](#)

To schedule an appointment, please call (405) 248-9007 or email EAP@odmhsas.org . The Office Director may be reached at (405) 315-2079 - Heath.Hayes@odmhsas.org.

For assistance and to learn more about the EAP, please click **[HERE](#)**.

This policy was created in compliance with all applicable federal, state, and local anti-discrimination and harassment laws and regulations and will be strictly enforced. All employees will be asked to sign this policy acknowledging they have read and understand the proper conduct that is expected from DAC employees.

EMPLOYEE ACKNOWLEDGMENT

(January 2021 Revised Handbook)

By signing below, I, _____, hereby acknowledge that I have received and read the DAC Non-Discrimination/Anti-Harassment Handbook and all corresponding policies, and that I understand the proper conduct that is expected in regard to these policies. I understand that these policies and practices may be changed at any time, and that any such changes will be provided through written communication.

I further acknowledge that I was provided opportunity to ask questions and receive clarification about this Handbook and policies before signing this *Certification by Employee*, and that it is my responsibility to comply with the rules and policies contained in this handbook and any revisions made to it.

EMPLOYEE NAME (Please Print)

EMPLOYEE SIGNATURE

DATE

HUMAN RESOURCES OFFICER

DATE

APPENDIX A
Oklahoma District Attorneys Council
Discrimination Complaint Information Form

Oklahoma District Attorneys Council Discrimination Complaint Information Form

1. Contact Information of Person Filing the Complaint:

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

2. Contact Information of Person(s) Discriminated Against (if different than above):

Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	
Name	
Address	
City, State, Zip	
Home/Work Phone #	
Email	

3. Name of person complaint is based on:

4. What will be the most convenient time and place to contact you about this complaint?

5. To your best recollection on what date(s) did the discrimination take place?

Date of first occurrence: _____

Date of most recent occurrence(s): _____

6. Have you ever attempted to resolve this complaint?

Yes

No

7. Explain as briefly and clearly as possible what happened and how you were discriminated against. Provide as many specific details as you can recall and attach additional sheets if needed. Also, attach any written material pertaining to your case. (If additional space is needed, please attach the additional documents to the complaint form.)

8. **Basis of Complaint(s)** - Which of the following describes why you believe you were discriminated against? (Check All that Apply)

- Race: Specify _____
- Color: Specify _____
- Religion: Specify _____
- National Origin: Specify _____
- Sex: Specify Male Female
- Sexual Orientation: _____
- Gender Identity: _____
- Age: Specify Date of Birth: _____
- Disability: Specify _____
- Political Affiliation: Specify _____
- Citizenship: Specify _____
- Reprisal/Retaliation: Specify _____
- Other: Specify _____

9. What other information do you think is relevant to this situation?

10. If this complaint is resolved to your satisfaction, what remedies do you seek?

11. Please list below any persons (witnesses, fellow employees, supervisors, or others) that might be contacted for additional information to support or clarify your complaint:

Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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Name	Address (if known)	Email/Telephone #
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12. Do you have an attorney?

Yes

No

If yes, please provide the following contact information:

Attorney Name	Address	Email/Telephone #
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13. Have you filed a case or complaint with any of the following?

Civil Rights Division, U.S. Department of Justice

U.S. Equal Employment Opportunity Commission

Federal or State Court

Oklahoma Human Rights Commission

14. For each item checked in number 13 above, please provide the following information:

Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial or Hearing: _____

Location of Agency or Court: _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

Sign (Complaint NOT VALID unless Signed)

Name

Date

Please submit the form by fax, mail, or email to:

Trent H. Baggett

Executive Coordinator

Oklahoma District Attorneys Council

421 N.W. 13th Street, Suite 290

Oklahoma City, OK 73103

Phone: 405-264-5000

Fax: 405-264-5099

Email: Trent.Baggett@dac.state.ok.us

APPENDIX B
Oklahoma District Attorneys Council
Incident Report for Workplace Violence or
Threats of Violence Form

**Oklahoma District Attorneys Council
Incident Report for Workplace Violence or Threats of Violence**

1. Contact Information of Person Filing the Complaint:

Name	
Address (City, State, Zip)	
Home/Work Phone #	
Email	

2. Contact information of victim(s) of alleged violence (if different than above):

Name	
Address (City, State, Zip)	
Home/Work Phone #	
Email	
Name	
Address (City, State, Zip)	
Home/Work Phone #	
Email	

3. Name of person complaint is based on:

4. What will be the most convenient time and place to contact you about this complaint?

5. To your best recollection on what date(s) did the threat or violence take place?

6. Location of violence/threat? _____

7. Violence/Threat was from: Personal Confrontation Telephone Conversation

Other (Briefly explain): _____

8. Explain as briefly and clearly as possible what happened, providing as many specific details as you can recall. For example, what abuse you witnessed, what violence act occurred to you, what injuries were sustained, was medical treatment needed? If the incident was a threat of violence, what were the exact words used? Was the perpetrator in a position to carry out the threat immediately? Also, attach any additional sheets as needed and any written material pertaining to your case.

9. Were there witnesses? Yes No If yes, how many? _____

Please provide information below:

WITNESSES (If additional witnesses, attach additional information sheet.)

Name	
Address (City, State, Zip)	
Home/Work Phone #	
Email	
Name	
Address (City, State, Zip)	
Home/Work Phone #	
Email	

10. Was law enforcement contacted? Yes No If yes, please list the name of the law enforcement agency and attach a copy of the police report if available. _____

11. What other information do you think is relevant to this situation?

12. If this complaint is resolved to your satisfaction, what remedies do you seek?

13. Do you have an attorney? Yes No

If yes, please provide the following contact information:

Attorney Name	Address	Email/Telephone #
---------------	---------	-------------------

14. Have you filed a case or complaint with any of the following?

- Civil Rights Division, U.S. Dept. of Justice
- U.S. Equal Employment Opportunity Commission
- Federal or State Court
- Oklahoma Human / Rights Commission

15. If you selected an agency in question number 14, please provide the following information (if known):

Agency: _____

Date Filed: _____

Case or Docket Number: _____

Date of Trial or Hearing: _____

Location of agency or court: _____

Name of Investigator: _____

Status of Case: _____

Comments: _____

Sign (Complaint NOT VALID unless Signed)

Name

Date

Please submit the form by fax, mail, or email to:

Trent H. Baggett
Executive Coordinator
Oklahoma District Attorneys Council
421 N.W. 13th Street, Suite 290
Oklahoma City, OK 73103
Phone: 405-264-5000 Fax: 405-264-5099
Email: Trent.Baggett@dac.state.ok.us