



State of Oklahoma
Oklahoma Department of Agriculture, Food, and Forestry

Policies and Procedures
Discrimination and Harassment

Effective Date of Policy: 12/31/2018	Next Scheduled Review: 12/1/2019
Last Reviewed: 12/1/2018	Policy Number: ODAFF-07
Approved: Jim Reese	Approval Date: 12/21/2018

Reference: Title VII of the Civil Rights Act 1964, 42 U.S.C. § 2000e et seq., [25 O.S. § 1101 et seq.](#), [74 O.S. § 840-1.1 et seq.](#), [74 O.S. § 954](#) and [Merit Rules](#).

A. Discrimination and Harassment

"No person in the state service, whether subject to the provisions of the Merit System or in unclassified service, shall be appointed to or demoted or dismissed from any position in the state service, or in any way favored or discriminated against with respect to employment in the state service because of political or religious opinions or affiliations, race, creed, gender, color, age or national origin or by reason of any handicap." [Merit Rule, OAC 260:25-3-2](#).

Unlawful discrimination and harassment of any type is prohibited. Any employee with ODAFF who believes he or she has been subjected to conduct that violates this policy is encouraged to promptly confer with a grievance manager. Employees who violate this policy are subject to discipline, up to and including termination.

See also:

[Policy ODAFF-08: Equal Employment Opportunities](#)

[Policy ODAFF-09: Workplace Violence](#)

B. Definitions

"Discrimination" means any discriminatory work conditions, or to use discriminatory evaluative standards in employment, such as discriminatory treatment in whole or in part, based on the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, or marital status.

"Harassment" means any verbal or physical conduct designed to threaten, intimidate, or coerce including, but not limited to, verbal taunting (including racial and ethnic slurs), and written material via any channel including but not limited to social networking, e-mails, posters, cartoons that, in the employee's opinion, impairs his or her ability to perform his or her job.

“Sexual Harassment” means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis for employment decisions, or such conduct has the purpose or effect of creating an intimidating, hostile, or offensive working environment.

C. Discrimination

ODAFF prohibits discrimination in any form. Employees may not discriminate in the provision of employment opportunities, benefits or privileges; creation of discriminatory work conditions; or the use of discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, or any other reason prohibited by law.

D. Harassment, Generally

ODAFF prohibits both verbal and nonverbal harassment. Employees may not unlawfully harass other employees. Verbal harassment includes comments that are not flattering or are unwelcome regarding a person's nationality, origin, race, color, religion, gender, sexual orientation, age, body disability or appearance, epithets, slurs, or negative stereotyping. Nonverbal harassment includes distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility or aversion toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance disability, gender identity, marital, or other protected status.

E. Sexual Harassment

Sexual harassment in any form is prohibited. Sexual harassment is discrimination on the basis of gender. No officer or employee of any agency shall permit or engage in sexual harassment. Unwelcome sexual advances, requests for sexual favors, and verbal, graphic or physical conduct of a sexual nature constitute sexual harassment when submission to such conduct is 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 individual; 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. Merit Rule, OAC 530:10-3-3.

F. Consensual Sexual Relationships

ODAFF prohibits romantic or sexual relationships between a supervisor and an employee who reports directly or indirectly to that person.

G. Improper Language

Employees are expected to use language that is respectful of others. Improper language for the workplace includes profane, foul, obscene, insulting, abusive or crude language, inappropriate jokes, racial slurs, sexual comments, even if spoken in non-standard English or foreign languages. The making of verbal threats is considered disrespectful, demeaning, and abusive behavior.

H. Grievance Process

Any employee with ODAFF who believes he or she has been subjected to conduct that violates this policy is encouraged to promptly confer with a grievance manager. However, filing groundless and malicious complaints is an abuse of this policy and is prohibited and subject to discipline.

Policy ODAFF-11: Grievance Process

I. Retaliation

No hardship, no loss of 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; or serving as an investigator. Retaliation or attempted retaliation is a violation of this policy and will be subject to discipline up to and including termination.