



DISCRIMINATION AND HARASSMENT

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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](#); [Merit Rules – OAC Title 260](#)

A. Discrimination and Harassment

"No person in the State 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 because of any handicap." [Merit Rules – OAC Title 260, OAC 260:25-3-2.](#)

Discrimination and harassment of any type is prohibited. Any employee with the Commission who believes they have been subjected to conduct that violates this policy is encouraged to promptly notify their supervisor. Employees who violate this policy are subject to discipline, up to and including termination.

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

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

[Policy OCC-11: Employee Complaint Management](#)

B. Definitions

"Discrimination" means any discriminatory work conditions, or the use of 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 conveyed through social networking platforms, emails, printed material, or other means, which 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 the conduct is made a term or condition of employment, is used as a basis for employment decisions affecting the individual, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

C. Discrimination

The Commission 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

The Commission 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, sex, gender identity, genetic information, age, disability, or appearance, epithets, slurs, or negative stereotyping. Nonverbal harassment includes the 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 based on sex. No officer or employee of any agency shall permit or engage in unlawful 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 this 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 an 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 Rules – OAC Title 260, OAC 260:25-3-3](#).

F. Consensual Sexual Relationships

The Commission 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 in the workplace includes profane, foul, obscene, insulting, abusive, or crude language, inappropriate jokes, racial slurs, and 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. Complaint Process

Any employee with the Commission who believes they have been subjected to conduct that violates this policy should promptly notify their supervisor and refer to the Commission's Employee Complaint Management Policy.

[Policy OCC -11: Employee Complaint Management](#)

I. Retaliation

No employee shall face hardship, loss of benefits, or penalties as a reprisal for initiating or responding to a genuine complaint of discrimination or harassment, providing testimony during the investigation of a complaint, or serving as an investigator. Retaliation or any attempt thereof is strictly prohibited by this policy and will result in disciplinary measures, up to and including termination.

The Commission is committed to ensuring that individuals who raise concerns about discrimination or unlawful harassment, oppose such behavior, or participate in any official proceedings or investigations related to discrimination or unlawful harassment are protected from any form of retaliation.

Retaliatory actions against individuals engaged in protected activities regarding discrimination and unlawful harassment are not only a violation of federal and state laws but also contravene this policy. Instances of retaliation should be reported using the same procedures as those for reporting unlawful harassment.

J. Discipline

When a violation of this procedure is confirmed, swift and suitable corrective measures will be implemented. These actions may encompass disciplinary measures aimed at halting discrimination or harassment, addressing any adverse effects on the complainant, and preventing future occurrences.

K. Protection Against False Complaints

Unsubstantiated claims of unlawful harassment, made without genuine intent, can unfairly harm the reputation and career prospects of the accused. In cases where the investigation yields clear and convincing evidence that the complaint lacks merit and was not made in good faith, disciplinary measures, including termination, may be taken against the complainant.