Reporting a Harassment, Discrimination, or Retaliation Complaint Form

**If you have experienced or been threatened physically or sexually with assault, harm or injury, notify 911 immediately.**

***About this form:*** Use this form if you have experienced or witnessed an act of discrimination, harassment (including sexual harassment, bullying, and other behaviors that lead to a hostile work environment), or retaliation.

This form supports the following agency polices:

* Diversity, Equity, and Inclusion Policy
* Affirmative Action and Equal Opportunity Policy
* Discrimination and Harassment Prevention Policy
* Reasonable Accommodation Policy
* Respectful Workplace Policy.

***Who can use this form:*** Anyone who works for your agency, wants to work for your agency, has business with your agency, or volunteers/interns for your agency.

***Complainant*:**Complete and submit this form to an agency supervisor, manager, or your [human resources business partner](https://des.wa.gov/services/hr-finance/small-agency-services/small-agency-financial-services/agency-assignments).

* You can submit this form electronically/email or by hard copy.
* If you prefer to **submit a complaint verbally**, please contact any of the above staff members.

**Date:**

**What type of complaint are you filing? Choose all that apply.** [**Definitions**](#_Definitions) **are at the end of the form.**

[ ]  [Discrimination](#DiscriminationDef)

[ ]  [Harassment](#HarrassmentDef)

[ ]  [Hostile work environment](#HostileWorkEnviroDef)

[ ]  [Retaliation](#Retaliation)

[ ]  [Sexual harassment](#SexualHarrassmentDef)

[ ]  [Protected Class](#ProtectedClassDef)

[ ]  Other, please describe:

**Please include any information that you are able to and/or comfortable including:**

Name:       Are you a state employee? [ ]  Yes [ ]  No

Phone number:       Email:       Agency or affiliation

Notes:

**Who is your complaint against?**

Name:       Are they a state employee? [ ]  Yes [ ]  No

Phone number:       Email:       Agency or affiliation

Notes:

**Please describe what happened:**

The more information you are able to provide, the more helpful it will be in determining next steps.Helpful information includes:

* Dates
* Times
* Locations
* Witnesses and,
* Specific details about the event(s), incident(s), and/or behavior(s).

# Definitions

**Bullying:** A behavior that intends to frighten, hurt, or threaten others and cause harm, humiliation, or intimidation. Bullying behavior is often repetitive. It may involve verbal harassment, verbal or non-verbal threats, physical assault, stalking, or other methods of coercion such as manipulation, blackmail, or extortion. An imbalance of power, either real or perceived, between the aggressor and the victim is often involved.

**Discrimination**: Unlawful discrimination in employment occurs: when an employer takes an adverse, harmful, harassing and/or retaliatory employment action against an employee (or potential employee) based on that employee’s race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran’s status, military status, genetic information, sexual orientation, gender expression, or gender identity.

**Harassment**: Harassment is a form of employment discrimination that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, (ADEA), the Americans with Disabilities Act of 1990 (ADA), and Chapter 162-32 WAC Sexual Orientation and Gender Identity. Harassment is offensive conduct that may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and interference with work performance.

Harassment can occur in a variety of circumstances, including, but not limited to, the following:

* Asking unwelcome personal questions or other unwelcome treatment based on a person’s age, creed, disability, gender expression, gender identity genetic information, national origin, marital status, military status, pregnancy, race/ethnicity/color, religion, sex, sexual orientation/gender identity, or veteran’s status.
* Disclosing an individual’s sexuality, gender identity, or gender expression against their wishes.
* The deliberate misuse of an individual’s preferred name, form of address, or gender-related pronouns (except on legally mandated documentation, if the individual has not officially obtained a name change).
* Posting offensive pictures or sending offensive electronic or other communications.
* Unwelcome physical conduct.

Harassment becomes unlawful when 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a hostile, intimidating, or abusive work environment.

Bullying may be a type of harassment seen in the workplace.

**Hostile Work Environment**: A hostile work environment is one that is intimidating, hostile, or offensive. Offensive conduct may include, but is not limited to, offensive jokes, slurs, epithets or name-calling, assumptions based on stereotypes, , physical assaults or threats, intimidation, ridicule or mockery, insults or put-downs, offensive objects or pictures, and inappropriate interference with work performance. Harassment can occur in a variety of circumstances, including, but not limited to, the following:

* The harasser can be the victim's supervisor, a supervisor in another area, a subordinate, an agent of the employer, a co-worker, or a non-employee (such as a fellow, volunteer or intern);
* The victim does not have to be the person harassed, but can be anyone affected by the offensive conduct;
* Unlawful harassment may occur without economic injury to, or discharge of, the victim.

**Protected Classes**: Race/ethnicity/color, creed, sex, pregnancy, age, religion, national origin, marital status, the presence or perception of a disability, veteran’s status, military status, genetic information, sexual orientation, gender expression, or gender identity.

**Retaliation**: Retaliation occurs when employers treat applicants, employees or former employees, fellows/volunteers/interns, or people closely associated with these individuals, less favorably for:

* Reporting discrimination,
* Participating in a discrimination investigation or lawsuit (for example, serving as a witness), or
* Opposing discrimination (for example, threatening to file a charge or complaint of discrimination).

DES and your agency will not tolerate retaliation. Any employees, fellows/volunteers/interns, and applicants found to have retaliated will be subject to corrective or disciplinary action that is appropriate to the circumstances, up to and including dismissal.

**Sexual Harassment**: Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person’s sex. For example, it is illegal to harass a woman by making offensive comments about women in general. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Although the law doesn’t prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, 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). The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

You should also know:

* DES HR may follow up with you for more information;
* If you are a represented employee, this process will not conflict with a formal grievance process. Please refer to the appropriate bargaining agreement regarding complaints and grievances;
* Whether or not you file a complaint with DES, you also have the right to file a complaint with the following:

Washington State Human Rights Commission

402 Evergreen Plaza Building

Olympia, WA 98504

360-753-6770

800-233-3247

http://www.hum.wa.gov

Equal Employment Opportunity Commission

909 1st Avenue, Suite 400

Seattle, WA 98104-1061

206-220-6883

<https://www.eeoc.gov/>