



Harassment and Discrimination Prohibited Policy

Policy #WF019
Revised:

Policy Owner: Affirmative Action Officer and Director, Office of Equity and Diversity

Policy Contact: Employment Discrimination Manager, Office of Equity and Diversity

Policy Statement

The Minnesota Department of Transportation (MnDOT) fully adopts the statewide policy, [Harassment and Discrimination Prohibited](#), HR/LR Policy #1436, which strictly prohibits any form of harassment or discrimination based on protected class. The statewide policy is issued by Minnesota Management and Budget and is incorporated herein by reference. MMB ensures that state agencies carry out their responsibilities under the statewide policy, develops training, and updates the statewide policy as necessary.

Individuals who believe they have been subject to harassment or discrimination based on protected class or retaliation as described in this policy, are encouraged to file a report with an appropriate authority as set forth in the [MnDOT Harassment and Discrimination Reporting Procedures](#).

Any form of retaliation directed against an individual who opposes or reports protected class harassment or discrimination, or who participates in any investigation concerning protected class harassment or discrimination, is strictly prohibited and will not be tolerated.

Violations of this policy by State employees will be subject to discipline, up to and including discharge. Violations of this policy by third parties will be subject to appropriate action, as described in the statewide policy.

This policy does not address sexual harassment. See [MnDOT's Sexual Harassment Prohibited Policy](#) and the statewide policy, [Sexual Harassment Prohibited](#), HR/LR Policy #1329, for information.

Reason for Policy

Strong, properly administered policies and procedures that strictly prohibit any form of harassment or discrimination based on protected class are good business practices as well as legally required. All employees have the right to a work environment free from harassment and discrimination based on protected class. MnDOT developed this policy and reporting procedures so that its employees can work in an environment free from protected class harassment, discrimination, and retaliation.

The statewide policy, Harassment and Discrimination Prohibited, HR/LR #1436 requires agencies to:

1. Adopt the statewide policy as the agency policy.
2. Disseminate the policy to agency employees through a method whereby receipt can be verified.
3. Post the policy in a manner that can be accessed by all employees and third parties.
4. Include the policy in the agency's Affirmative Action Plan.

5. Implement the policy, including:
 - a. Implementing an educational program
 - b. Developing and implementing a procedure for reporting complaints
 - c. Communicating the complaint procedure to employees
 - d. Developing and implementing a procedure under which reports of harassment or discrimination will be addressed promptly
6. Enforce the policy.
7. File annual dispositions of reports of protected class harassment or discrimination using the MMB Affirmative Action Report (Annual Internal Complaint Form).

Applicability

All MnDOT employees and third parties who have business interactions with MnDOT employees must comply with this policy.

Key stakeholders with responsibilities under this policy include:

- Office of Equity and Diversity
- Office of Human Resources
- Affirmative Action Officer
- Managers and Supervisors
- All Employees

Definitions

Complainant

An individual who reports protected class harassment, discrimination, or retaliation.

Third Party

Individuals who are not State employees, but who have business interactions with State employees, including, but not limited to:

- Applicants for State employment
- Vendors
- Contractors
- Volunteers
- Customers
- Business partners
- Unpaid interns
- Other individuals with whom State employees interact in the course of employees' work for the State, such as advocates, lobbyists, and representatives of individuals or entities with business with any branch of Minnesota state government

Protected class harassment or harassment based on protected class

Unwelcome conduct or communication that is based on actual or perceived membership in a protected class, including stereotypes of protected classes, that has a negative effect or is likely to have a negative effect on the complainant and/or on the workplace or public service environment.

Protected class

Protected classes under this policy are as follows:

- Race
- Color
- Creed
- Religion
- National origin
- Sex* (includes pregnancy, childbirth, and related medical conditions)
- Marital status
- Familial status
- Receipt of public assistance
- Membership or activity in a local human rights commission
- Disability
- Age
- Sexual orientation
- Gender identity
- Gender expression
- For employees, genetic information

*See HR/LR Policy #1329 Sexual Harassment Prohibited for specific information on harassment based on unwelcome conduct or communication of a sexual nature.

Age

The prohibition against harassment and discrimination based on age prohibits such conduct based on a person's age if the person is over the age of 18.

Disability

A physical, sensory, or mental impairment which materially limits one or more major life activities; a record of such an impairment; or being regarded as having such an impairment.

Genetic Information

Information about an individual's or their family members' genetic tests, family medical history, an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or their family member, and the genetic information of a fetus carried by an individual or a pregnant family member, and the genetic information of any embryo legally held by the individual or their family member using an assisted reproductive technology

Familial status

The condition of one or more minors living with their parent(s) or legal guardian, or the designee of the parent(s) or guardian with the written permission of the parent(s) or guardian. This also protects those who are pregnant or those who are in the process of securing legal custody of a minor from being harassed or discriminated against on that basis.

Marital status

Whether a person is single, married, remarried, divorced, separated, or a surviving spouse, and includes protection against harassment and discrimination on the basis of the identity, situation, actions, or beliefs of a spouse or former spouse.

Membership or activity in a local human rights commission

Participation in an agency of a city, county, or group of counties that has the purpose of dealing with discrimination on the basis of race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, sexual orientation, or familial status, as defined by Minn. Stat. §363A.03, subd. 23.

Public Service Environment

A location where public service is being provided.

Responsibilities

Office of Equity and Diversity

- Model appropriate behavior.
- Treat all reports of protected class harassment and discrimination seriously.
- Investigate complaints of protected class harassment and discrimination.
- Disseminate the policy to MnDOT employees through a method whereby receipt can be verified.
- Post the policy in a manner that can be accessed by all employees and third parties.
- Implement the policy, including:
 - Implementing an education program, in coordination with MMB and the Office of Human Resources
 - Developing and implementing a procedure for reporting complaints
 - Communicating the complaint procedure to employees
 - Developing and implementing a procedure under which reports will be promptly addressed
- Interpret and enforce the policy.
- File annual dispositions of reports of protected class harassment or discrimination using the MMB Affirmative Action Report (Annual Internal Complaint Form).

Affirmative Action Officer

- Model appropriate behavior.
- Treat all reports of protected class harassment and discrimination seriously.
- Comply with MnDOT's complaint and investigation procedures and MnDOT's Affirmative Action Plan.
- Keep MnDOT apprised of changes and developments in the law and policy.
- Include the policy in MnDOT's Affirmative Action Plan.
- Counsel managers, supervisors, and employees regarding protected class harassment and discrimination issues and complaints.
- Receive and evaluate complaints of protected class harassment and discrimination.
- Where investigation or response is not warranted, ensure appropriate follow-up action is taken.
- Make recommendations to MnDOT management regarding appropriate actions to be taken in response to an internal or external complaint of protected class harassment or discrimination.

Labor Relations Section, Office of Human Resources

- Model appropriate behavior.
- Treat all reports of protected class harassment and discrimination seriously.
- Comply with MnDOT's complaint and investigation procedures and MnDOT's Affirmative Action Plan
- Promptly identify protected class harassment and discrimination matters and refer them to the Office of Equity and Diversity.
- In consultation with the Affirmative Action Officer, make recommendations to the appropriate MnDOT management regarding appropriate follow-up actions including discipline.

Office of Human Resources

- Coordinate and report on employee completion of mandatory annual [Enterprise Compliance Training](#), including Prohibition of Harassment and Discrimination Policy Review.

Managers and Supervisors

- Model appropriate behavior.
- Treat all reports of protected class harassment and discrimination seriously.
- Appropriately respond to complaints and/or issues when a report of protected class harassment or discrimination is received, or when otherwise aware issues may exist.
- Immediately report all allegations or incidents of protected class harassment and/or discrimination to the Office of Equity and Diversity, MnDOT's Affirmative Action Officer, or human resources.
- Comply with MnDOT's complaint and investigative procedures and MnDOT's Affirmative Action Plan.
- Take necessary steps to protect employees from protected class harassment and discrimination in the workplace.
- Ensure all employees complete mandatory annual [Enterprise Compliance Training](#), including Prohibition of Harassment and Discrimination Policy Review.
- Hold employees who violate MnDOT's Harassment and Discrimination Prohibited Policy accountable and take appropriate disciplinary action when complaints are substantiated.
- As required, participate in internal MnDOT investigations by providing truthful, accurate and complete information.
- As required, testify truthfully in administrative and legal proceedings.

Managers and supervisors who knowingly participate in, allow, or tolerate harassment, discrimination, or retaliation are in violation of this policy and are subject to discipline, up to and including discharge.

Employees

- Model appropriate behavior in the workplace.
- Inform supervisor/manager and/or the Affirmative Action Officer promptly of any concerns regarding protected class harassment and discrimination.
- As required, participate in internal MnDOT investigations by providing truthful, accurate, and complete information.
- As required, testify truthfully in administrative and legal proceedings.
- Complete mandatory annual [Enterprise Compliance Training](#), including Prohibition of Harassment and Discrimination Policy Review

Policy Owner (Director, Office of Equity and Diversity)

- Review the policy every two years, or whenever MMB makes changes to its statewide policy, to ensure policy remains up-to-date.
- Ensure that procedures, forms, and training associated with the policy remain current.
- Work with the Policy Coordinator to revise the policy and/or confirm its accuracy.
- Communicate policy revisions, reviews, and retirements to stakeholders.

Resources & Related Information

Processes, Procedures, and Instructions

- [Harassment and Discrimination Reporting, Complaint, and Investigation Procedures](#)

Resources

- [Title VII of the Civil Rights Act of 1964, as amended \(Title VII\)](#)
- [Equal Pay Act of 1963, as amended](#)
- [Age Discrimination in Employment Act of 1967, as amended](#) (ADEA)
- [American with Disabilities Act of 1990, as amended](#) (ADA)
- [Minnesota Human Rights Act, Minnesota Statutes, Chapter 363](#) (MHRA)
- [MnDOT Sexual Harassment Policy](#)
- [MnDOT Reasonable Accommodation Policy](#)
- [MnDOT Affirmative Action and Equal Employment Opportunity in Selecting Employees Policy](#)
- [MnDOT Violence Free and Respectful Workplace Policy](#)
- [Enterprise Compliance Training](#)
- MnDOT's [Policy Website](#)

History & Updates

Title: *Harassment and Discrimination Prohibited Policy*

Revision	Date	Comments
Initial Adoption	1-25-2000	Policy #3.9 adopted
1 st Revision	6-12-2002	Revised
2 nd Revision		Updated to reflect changes to statewide policy; separated procedures from policy; renumbered as WF019.
3 rd Revision		

Authorization

Policy Owner:

Electronic Signature: _____
Director, Office of Equity and Diversity

Governance Committee has reviewed this policy and recommends approval:

Electronic Signature: _____
Governance Committee Chair

Responsible Senior Officer:

Electronic Signature: _____
Deputy Commissioner – Chief Administrative Officer

Policy Review

This policy has been reviewed by the Policy Owner, the policy content is current, and no significant modifications are needed. Minor modifications have been noted in the “Comments” section.

Date	Policy Owner Signature	Comments