

HARASSMENT AND DISCRIMINATION PROHIBITED

Direct Care and Treatment

MMB Governed Content

Issue Date: November 4, 2025 Effective Date: November 4, 2025 DCT Policy Number: 105-1070

POLICY:

Direct Care and Treatment (DCT) is committed to providing a workplace and public service environment free from harassment and discrimination based on protected class.

AUTHORITY:

[Minn. Stat. § 246C.07, Subd. 3\(a\)\(2\)](#)

[Minn. Stat. §43A.01, Subd. 2](#)

[Minnesota Human Rights Act, Minn. Stat. §363A.01 et seq.](#)

[42 U.S.C. 2000e, et al. Equal Employment Opportunities](#)

[Title VII of the Civil Rights Act of 1964 \(Title VII\)](#)

[Equal Pay Act \(EPA\)](#)

[Age Discrimination in Employment Act \(ADEA\)](#)

[Americans with Disabilities Act \(ADA/ADAAA\)](#)

[Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)

[HR/LR Policy #1436 Harassment and Discrimination Prohibited](#)

[DCT Policy 105-1068, "Sexual Harassment Prohibited"](#)

[DCT Policy 105-1097, "Respectful Workplace"](#)

APPLICABILITY:

DCT-wide

PURPOSE:

To create and maintain a work environment free from harassment and discrimination based on protected class.

DEFINITIONS:

Complainant – an individual who reports protected class harassment, discrimination, or retaliation for participating in a protected class complaint.

Protected Activity – opposing protected class harassment or discrimination, reporting protected class harassment or discrimination, or participating in an investigation of such reports.

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, and genetic information (for DCT employees).

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; or an impairment that is episodic or in remission and would materially limit a major life activity when active.

Familial status: The condition of one or more minors having legal status or custody with their parent(s) or legal guardian(s), or the designee of the parent(s) or guardian(s) with the written permission of the parent(s) or guardian(s). 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. Familial status also means residing with and caring for one or more individuals who lack the ability to meet essential requirements for physical health, safety, or self-care because the individual or individuals are unable to receive and evaluate information or make or communicate decisions.

Genetic information: Includes 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.

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 M.S. 363A.03, subd. 23.

Protected Class Harassment – unwelcome conduct or communication that is based on actual or perceived membership in one or more protected classes, including stereotypes of one or more 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.

Public Service Environment – a location where public service is being provided. This includes but is not limited to physical spaces, virtual environments, and electronic communications.

Retaliation – punishing individuals for asserting their rights to be free from protected class discrimination or harassment. Retaliation, or reprisal, includes refusing to hire an individual; departing from any customary employment practice; transferring or assigning an individual to a lesser position in terms of wages, hours, job classification, job security, or other employment status; or informing another employer that an individual has engaged in protected activity. Retaliation also includes conduct or communication designed to prevent a person from opposing or reporting protected class harassment or discrimination or participating in an investigation.

Sexual Harassment – unwelcome sexual advances, unwelcome requests for sexual favors, or other unwelcome verbal, written, or physical conduct or communication of a sexual nature. For more information see [DCT Policy 105-1068, "Sexual Harassment Prohibited."](#)

Third party – individuals who are not state agency employees, but who have business interactions with state agency employees, including, but not limited to: applicants for state employment, vendors, contractors, volunteers, applicants or recipients of DCT services, business partners, interns, and other individuals with whom state agency 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.

PROCEDURES:

A. Guiding Principles

1. Harassment of or discrimination against any employee or third party based on protected class in the workplace or public service environment, or which affects the workplace or public service environment, is strictly prohibited. Harassment of or discrimination against an individual because of their relationship or association with members of a protected class is also strictly prohibited.
2. 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.
3. Protected class harassment and discrimination may take different forms including verbal, nonverbal, or physical conduct or communication. Conduct based on protected class may violate this policy even if it is not intended to be harassing. Protected class harassment and discrimination under this policy includes, but is not limited to, the following behavior when it is based on actual or perceived membership in a protected class, including stereotypes of protected classes:
 - a) Offensive jokes, slurs, derogatory remarks, epithets, name-calling, ridicule or mockery, insults or put-downs.
 - b) Display or use of offensive objects, drawings, pictures, or gestures.
 - c) Physical assaults or threats.
 - d) Unwelcome touching or comments about a person's hair, body, clothing, or personal effects related to the person's protected class.
 - e) Repeatedly or deliberately misgendering a person, including using gendered personal references that do not align with another person's identity.
 - f) Repeatedly or deliberately mispronouncing a person's name, related to the person's protected class, including use of an unwelcome nickname, or shortening a name without permission.
 - g) Repeated or deliberate comments, behavior, or other interactions that communicate hostility or bias toward a person who might identify as being a member of a protected class.
 - h) Following, stalking, intimidation.
 - i) Malicious interference with work performance.
 - j) Implicit or explicit preferential treatment or promises of preferential treatment for submitting to the conduct or communication.
 - k) Implicit or explicit negative treatment or threats of negative treatment for refusing to submit to the conduct or communication.

- l) Discriminatory conduct based on an individual's actual or perceived protected class that segregates, separates, limits or restricts the individual from employment opportunities, including, but not limited to, hiring, promotion, compensation, disciplinary action, assignment of job duties, benefits or privileges of employment.

- 4. 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 the DCT Office of Equal Opportunity (OEO) as set forth in this policy.

B. DCT Complaint Procedures Established

- 1. Harassment and discrimination based on protected class will not be tolerated. All employees and third parties are expected to comply with this policy.
- 2. OEO has established the following complaint procedure to be used by any individual alleging harassment, discrimination, or retaliation in violation of this policy.
- 3. Employees and third parties are strongly encouraged to report all incidents of protected class harassment and discrimination, whether the individual is the recipient of the behavior, an observer, or is otherwise aware of the behavior. Individuals are encouraged to report incidents as soon as possible after the incident occurs.

C. How to File an Internal Complaint with DCT - A complaint can be filed under this policy by selecting one of the following:

- 1. Any individual can complete the [Harassment and Discrimination Complaint Form \(105-1070a\)](#). The completed form can be submitted to the OEO by in-person delivery, email, fax, or U.S. Mail using the contact information provided in the form.
- 2. Any individual can file a complaint by contacting OEO, Human Resources (HR), or a DCT supervisor, manager, or director up to the Health System Chief Executive Officer (CEO). If the complaint is against the DCT CEO, the complaint may be filed with MMB.
- 3. Although using the complaint form is encouraged, it is not required, and the complaint can be submitted verbally or in writing. To ensure the prompt and thorough investigation of a report, the complainant may be asked to provide information in writing, which may include, but is not limited to:
 - a) the name, department, and position of the person(s) allegedly causing the harassment or discrimination;
 - b) a description of the incident(s), including the date(s), location(s), and the identity of any witnesses;
 - c) the name(s) of other individuals who may have been subject to similar harassment or discrimination;
 - d) what, if any, steps have been taken to stop the harassment or discrimination; and/or
 - e) any other information the complainant believes to be relevant. [MNIT Policy Page](#)
- 4. A complaint can be filed anonymously, although this may limit DCT's ability to collect

additional information about the complaint.

5. There is no deadline for filing a complaint under this policy. Individuals are encouraged but not required to submit a complaint as timely as possible.

D. How to File an External Complaint Outside of DCT

1. Any person covered by this policy can report concerns of discrimination, harassment, or retaliation to an external reporting agency including the Minnesota Department of Human Rights, the U.S. Equal Employment Opportunity Commission (EEOC), or other legal channels.
2. Reports made to the above agencies or other legal channels must be filed within certain time limitations. Please contact the agencies listed above for further details about options for filing an external complaint.

E. Responsibilities

1. Employees and Non-Employees
 - a) All individuals are expected to conduct themselves in a non-discriminatory manner when performing their job duties, engaging with DCT, or when representing the agency.
 - b) All individuals should:
 - (1) promptly report any complaints regarding discrimination, harassment or retaliation; and
 - (2) cooperate with investigations by providing truthful, accurate and complete information.
 - c) All individuals must Follow applicable data privacy laws and regulations, including but not limited to the Minnesota Government Data Practices Act, for information provided with a complaint, during an investigation, or at the conclusion of an investigation.
2. Managers and Supervisors
 - a) All DCT managers and supervisors are expected to conduct themselves in a non-discriminatory manner, and model appropriate behavior when performing their job duties and when representing DCT.
 - b) Managers and supervisor must:
 - (1) receive complaints and treat all reports of protected class harassment and discrimination seriously;
 - (2) appropriately respond to a report or problem when they receive a report of protected class harassment or discrimination, or when they are otherwise aware a problem exists;
 - (3) immediately report all allegations or incidents of protected class harassment or discrimination to the OEO;
 - (4) cooperate with any OEO investigation by providing truthful, accurate and complete information;
 - (5) if serving as the decision-maker, take prompt disciplinary and/or non-disciplinary

action as appropriate; and

- (6) monitor the work environment to prevent and respond to retaliation against any employee who participates in the complaint or investigatory process.
 - c) 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.
3. Human Resources (HR)
- a) All HR employees are expected to conduct themselves in a non-discriminatory manner, and model appropriate behavior when performing their job duties and when representing DCT.
 - b) HR employees must:
 - (1) receive complaints and treat all reports of protected class harassment and discrimination seriously;
 - (2) immediately report all allegations or incidents of protected class harassment or discrimination to the OEO;
 - (3) meet with the OEO Director, or designee, as appropriate to determine if immediate steps, such as investigatory leave or other non-disciplinary measures, should be taken to address the complaint prior to or during an investigation;
 - (4) cooperate with any OEO investigation by providing truthful, accurate and complete information;
 - (5) receive investigation reports from OEO and advise management, as needed, on appropriate corrective action;
 - (6) report corrective action and date of issue to OEO; and
 - (7) report final disposition of corrective action to OEO.
4. OEO
- a) All OEO employees are expected to conduct themselves in a non-discriminatory manner, and model appropriate behavior when performing their job duties and when representing DCT.
 - b) OEO must distribute DCT Policy 105-1070, "Harassment and Discrimination Prohibited" to all DCT employees, through a method whereby receipt can be verified.
 - c) OEO employees must:
 - (1) receive and evaluate complaints of discrimination, harassment and retaliation. This includes an initial assessment of whether urgent action needs to be taken, and gathering any additional information needed;
 - (2) acknowledge receipt of complaint to the complainant in a timely fashion;

- (3) determine appropriate next steps, such as conducting an inquiry to gather additional information or opening an investigation. Notify the complainant within sixty days after the complaint is filed, or earlier if required by law or contract, if the complaint is accepted for inquiry or investigation;
- (4) promptly refer complaints that are not within the scope of OEO policies to the appropriate area. Notify the complainant of any referral;
- (5) if an investigation is required, complete an investigation:
 - (a) Send a written investigation report to appropriate parties;
 - (b) Notify the complainant and, as appropriate, other individuals of the conclusion of the investigation;
 - (c) File a complaint disposition report with MMB within 30 days after the investigation is completed; and
- (6) retain complaint and investigation data following [DCT Policy 135-1007, "Records Retention and Destruction."](#)

5. The OEO Director must:

- a) Keep the agency apprised of changes and developments in the law and policy;
- b) Post this policy in a manner that can be accessed by all employees and third parties;
- c) Implement this policy which includes:
 - (1) Implementing an educational program;
 - (2) Developing and implementing a procedure for reporting complaints;
 - (3) Communicating the complaint procedure to employees; and
 - (4) Developing and implementing a procedure under which reports will be address promptly;
- d) Enforce this policy; and
- e) Report annually dispositions of reports of protected class harassment or discrimination using the MMB Annual Complaint Report.

F. Discipline

- 1. Violations of this policy by DCT employees will be subject to discipline, up to and including discharge.
- 2. Violations of this policy by third parties will be subject to appropriate action. Appropriate action for policy violations by third parties will depend on the facts and circumstances, including the relationship between the third party and the agency. Agencies may contact MMB's Enterprise Director of Human Resource Management for assistance in determining appropriate action for third parties. MMB may refer agencies to the appropriate resources, which may include, for example, the Department of Administration with respect to policy violations by vendors or

contractors.

3. Employees who knowingly file a false report of protected class harassment, discrimination, or retaliation will be subject to disciplinary action, up to and including discharge.

REVIEW:

Biennially

REFERENCES:

DCT Policy 105-1068, "Sexual Harassment Prohibited"

DCT Policy 105-1097, "Respectful Workplace"

MMB HR/LR Policy #1436 Harassment and Discrimination Prohibited

MMB HR/LR Policy #1329 Sexual Harassment Prohibited

MMB HR/LR Policy #1432 Respectful Workplace

Minn. Stat. Ch. 13 Government Data Practices Act

MMB Labor Relations

MMB Preventing Sexual Harassment Training

MMB Preventing Sexual Harassment Policy Acknowledgement

MMB Prohibition of Harassment and Discrimination Policy Review

ATTACHMENTS:

Harassment and Discrimination Complaint Form (105-1070a)

SUPERSESSION:

DHS Discrimination, Harassment and Retaliation Policy

MSOP Policy 110-5020, "Non-discrimination Policy"

All agency policies, memos or other communication that contradicts this policy by verbal, written or transmitted electronic means regarding this topic.

/s/

Marshall E. Smith, MHA, LNHA, FACHE

Health System Chief Executive Officer

Direct Care and Treatment