

### Administrative Policy No. 20.03

**Subject:** OJCR Investigations Involving Third Parties

**Information Contact:** The Office of Justice and Civil Rights

**Authorizing Source:** [Civil Rights Act of 1964](#), as amended  
[Chapter 49.60 RCW: DISCRIMINATION—HUMAN RIGHTS COMMISSION \(wa.gov\)](#)  
[Governors Executive Order 89-01.pdf \(wa.gov\)](#)

**Effective Date:** July 2, 2024

**Revised:** New

**Approved By:** Original signed by Pearlette J. Ramos  
Senior Director, Office of Justice and Civil Rights

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**Purpose:**

This policy establishes the authority to assess and conduct investigations when a third party such as a patient, client, customer, vendor, supplier, contractor, or member of the public, is involved and there is an alleged violation of civil rights or administrative policy 18.66 which identifies and prohibits discrimination and harassment.

**Scope:**

This policy applies to all DSHS administrations and employees, applicants, volunteers, interns, and third parties involved as a subjects or complainants, such as patients, clients, customers, vendors, suppliers, contractors, or any member of the public doing business with and/or receiving services from DSHS.

If any part of this policy is inconsistent with a [collective bargaining agreement](#) (CBA), the provisions of the CBA prevail.

**Additional Guidance:**

Administrative policies (AP)

[8.11 Constituent services](#)

[18.64 Standards of ethical conduct for employees](#)

[18.66 Discrimination, harassment, and other inappropriate behaviors](#)

[18.67 Workplace and domestic violence/reasonable safety accommodation](#)

[18.81 Nondiscrimination in direct client services](#)

[18.89 Investigations](#)

[20.01 Internal investigations under the Office of Justice and Civil Rights](#)

[20.02 Response to complaints filed with an external agency](#)

**DSHS administrative form:**

[DSHS form 03-513 workplace violence and safety accommodation \(third party conduct\).](#)

**Definitions:**

Third party such as a patient, client, customer, vendor, supplier, contractor, applicant, or any member of the public doing business with or receiving services from DSHS.

**Policy Requirements**

The office of justice and civil rights (OJCR) is committed to ensuring civil rights assessments and investigations are conducted in a fair, impartial, thorough, timely, thoughtful manner, and in compliance with all applicable laws.

- A. The senior director of OJCR, or delegate, has the authority to develop procedures for assessing and conducting investigations regarding complaints alleging a violation of civil rights or AP 18.66, when a third party is involved.
- B. OJCR is responsible for developing any training in furtherance of this policy and ensuring availability by leveraging technology.
- C. This policy is in addition to AP 18.66 regarding prohibited actions and reporting concerning discrimination, harassment, and retaliation and AP 20.01 as it relates to internal investigations under the OJCR.
- D. In addition to the existing policies listed above in the additional guidance section, anyone covered by this policy who is subjected to alleged prohibited behaviors (see "C" above) may, if comfortable doing so:
  - 1. Tell the offending individual directly that the behavior is unwelcome and attempt to resolve the issue at the lowest level.
  - 2. Request alternate dispute resolution services. Requests for dispute resolution services may be sent to the [ADRMeditation@dshs.wa.gov](mailto:ADRMeditation@dshs.wa.gov) inbox.
- E. Employees may request a safety plan from their supervisor, appointing authority, OJCR, or the human resources division (HRD) business partner using DSHS form [03-513 Workplace Violence and Safety Accommodation \(Third Party Conduct\)](#).

1. When an employee requests a safety plan under the purview of OJCR, supervisors must, in consultation with their HRD business partner, implement safety measures, if warranted and feasible, and document the safety plan in writing. The safety plan must be:
    - i. Developed in a timely manner to meet the immediate need with the understanding that a full review and investigation, if warranted, will occur concerning the allegation;
    - ii. Developed on a case-by-case basis; and
    - iii. Agreed upon by the employee and appointing authority.
  2. Appointing authorities must review safety plans that fall under the purview of OJCR, at least every 30 days for effectiveness and continuation by the appointing authority and in consultation with HRD.
  3. Safety plans not under the purview of OJCR will be referred to HRD.
- F. OJCR staff will assess complaints to determine whether a third party or a DSHS administration, division, program, unit, office, or employee took discriminatory or retaliatory action, and whether the action was based on a protected class. Complaints meeting the above criteria will proceed to an investigation.
1. Third party complaints against DSHS, a program, unit, policy or procedure will be addressed by OJCR third party investigations.
  2. Third party complaints against an employee will be handled by OJCR employee investigations unit (IU) pursuant to AP 20.01.
- G. The assessment and investigation process may include collaboration, coordination, and referral within OJCR advocacy and constituent services and with the investigations unit (IU). OJCR may additionally partner with DSHS leadership including but not limited to the following:
1. HRD
  2. Appointing authorities
  3. The ADA coordinators through the office of equity, diversity, access, and inclusion
  4. The key contract coordinators for contracts and legal services (for compliance with the DSHS general terms and conditions)
  5. Individuals who have legal decision-making responsibility for the third party
  6. Programs involved with providing healthcare, habilitation, or treatment services and supports to the third party.
- H. Reporting harassment to DSHS does not prevent a person covered by this policy from also making a complaint in a different forum. All persons covered by this policy have the right to file discrimination, harassment, and retaliation complaints with outside agencies such as

the Washington State Human Rights Commission (WSHRC) and the United States Equal Employment Opportunity Commission (EEOC). There may also be applicable local laws preventing harassment and county or city agencies that can investigate claims of harassment. Reports may be made to:

1. Washington State Human Rights Commission (WSHRC)  
[www.hum.wa.gov](http://www.hum.wa.gov); 1-800-233-3247
2. US Equal Employment Opportunity Commission (EEOC)  
[www.eeoc.gov](http://www.eeoc.gov); 1-800-669-4000, 1-844-234-5122 (ASL Video Phone)

- I. If OJCR receives a complaint from a third party that is also under investigation with an external agency, e.g., EEOC, WSHRC, the DSHS investigation will be conducted unless otherwise requested by the OJCR senior director or designee.
- J. DSHS employees and third parties must not engage in any form of retaliation against anyone who has made a report of discrimination or harassment or anyone who participates in an intake or investigation.
- K. Pursuant to AP 18.66, DSHS employees who fail to take prompt and immediate steps to report alleged violations of AP 18.66, may be subject to corrective or disciplinary action, up to and including dismissal.
- L. Third parties providing services to, or conducting business with DSHS, such as volunteers, interns, suppliers, vendors, or contractors determined to be in violation of this policy may be subject to other appropriate departmental action including but not limited to termination of volunteer activities, or cancellation of contracts.