

**DEPARTMENT OF WASHINGTON  
VETERANS OF FOREIGN WARS  
OF THE UNITED STATES**

**DISCRIMINATION/HARASSMENT POLICY**



**2025-2026**

AS APPROVED BY THE WASHINGTON VFW COUNCIL OF ADMINISTRATION

Rev 5/12/2025

## **POLICY**

The Veterans of Foreign Wars Department of Washington (Organization) is committed to providing and creating an environment in which all individuals are treated with respect and professionalism. Consistent with this commitment, it is the policy of the Organization to provide a work, meeting, and social place free from discrimination, harassment, and retaliation for all members, applicants, employees, contractors, guests, and volunteers. The Organization Discrimination and Harassment policy is a zero-tolerance policy that applies to all aspects within the Organization, including recruitment, hiring, promotion, transfer, training, corrective adverse action, and other terms, conditions, and benefits of employment and membership. Zero tolerance means that violations of this policy will not be tolerated. When policy violations are found to have occurred, appropriate corrective action and/or adverse action, up to and including dismissal or loss of membership, depending on the severity of the violation, will be taken.

All employees and members are prohibited from discriminating against or harassing anyone based on their protected status. The bases for filing a complaint are:

- Age (40 or older)
- Color
- Disability (physical or mental)
- Marital Status
- National Origin
- Political Affiliation (including opinion or activities)
- Race
- Religion/Religious Creed
- Retaliation
- Sex/Gender (including sexual harassment, pregnancy, gender identity, and gender expression)
- Sexual Orientation
- Veteran Status/Military Service
- Disability Leave Act.
- EEO Retaliation
- Use of a Trained Service Animal

All employees and members are prohibited from retaliating against any person because the person has opposed any practices forbidden under this policy or because the person has filed a complaint, testified, or assisted in any proceeding related to this policy.

All employees and members are prohibited from aiding or coercing any acts forbidden under this policy.

All employees and members are prohibited from engaging in behavior that rises to the level of discrimination, harassment, or retaliation in violation of:

Title VII of the Civil Rights Act of 1964 (including amendments)

Departmental discrimination and harassment policies and procedures

This policy applies to conduct that occurs in any location of the Organization and subordinate units or is considered a workplace, meeting place, or social place by the Organization, as well as any location that can reasonably be regarded as an extension of the workplace, such as an off-site business or social

function, or other non-Organization facility where the Organization and its subordinate unit's business is being conducted. This policy applies to conduct that occurs off-duty and is brought back to the workplace when such conduct adversely affects the individual in a manner otherwise prohibited by this policy.

## PURPOSE

The purpose of this policy is to prevent misconduct, define the roles and responsibilities of the Organization's leadership, employees, and members relative to the discrimination and harassment policy, and to identify the complaint process.

## DEFINITIONS OF DISCRIMINATION BASIS

**Age** - Refers to the chronological age of any individual who has reached his or her 40th birthday.

**Color** - The color of the skin of an individual, including shades of skin within a racial group.

**Disability** - A physical or mental impairment affecting one or more body systems which limits a major life activity, including work; a record of such impairment; or being regarded as having such an impairment. This includes Human Immunodeficiency Virus and Acquired Immunodeficiency Syndrome.

**Marital Status** - The legal status in a relationship, such as married, never married, single, separated, divorced, or widowed.

**National Origin** - The country where a person was born, or more broadly, the country from which his or her ancestors came, which includes the individual's common language, culture, ancestry, and other similar social characteristics.

**Political Affiliation** - Membership or association in a political party or special interest group.

**Race** - Classes of people identifiable because of their ancestry or ethnic characteristics.

**Religion** - All aspects of religious belief, observance, and practice.

**Retaliation** - An adverse employment or membership action taken against an individual due to his/her protected activity (including one's opposition to a discriminatory practice or participation in the discrimination complaint process).

**Sex** - Sex includes, but is not limited to, a person's gender. Gender includes a person's gender identity and gender expression. Gender expression means a person's gender-related appearance and behavior, whether or not stereotypically associated with the person's assigned sex at birth. Gender identity refers to a person's identification as male, female, a gender different from the person's sex at birth, or transgender. Sex also includes, but is not limited to, pregnancy or medical conditions related to pregnancy; childbirth or medical conditions related to childbirth; and breastfeeding or medical conditions related to breastfeeding.

**Sexual Orientation** - "Sexual orientation" means heterosexuality, homosexuality, and bisexuality.

**Military and Veteran Status** - Any person entitled to the rights and benefits under the Uniformed Services Employment and Reemployment Rights Act.

**Use of a Trained Service Animal** - A service animal is defined as a dog or miniature horse "individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability.

## DEFINITIONS OF OTHER TERMS

**Association** - An individual's involvement with a member of a protected group or membership in an advocacy organization representing a protected group.

**Complainant** - Any individual or group of individuals who allege discrimination in violation of a State or federal EEO law or regulation or Organization policy.

**External Discrimination Complaint** - A complaint alleging discrimination, harassment, and/or discrimination filed with a State or federal compliance agency against the Organization by a charging party.

**Hiring Authority** – The State Adjutant or any other person authorized by the State Adjutant to hire, discipline, and dismiss employees under his/her authority.

**Internal Discrimination Complaint** - A complaint alleging discrimination or harassment filed with the Organization or a subordinate unit.

**Respondent** - The person(s) who is alleged to have committed an unlawful practice or engaged in conduct that violates this policy.

## COMPLAINANT'S RIGHTS

Every person covered by this policy has the following rights:

1. The right to discrimination and harassment-free work, meetings, and social environment.
2. The right to an environment free from bullying or abusive conduct.
3. The right to file a discrimination complaint, freedom from influence to refrain from filing a complaint, and freedom from retaliation after filing a complaint (see "Filing a Complaint" below). Employees and applicants must immediately report the discriminatory action or conduct.
4. The right to have their complaint promptly reported, objectively reviewed, and investigated when appropriate.
5. The right to be informed of the disposition of the complaint.
6. The right to be represented by a person of the complainant's choosing at each step of the process.
7. The right to file a complaint with the Equal Employment Opportunity Commission (EEOC) and other appropriate State and federal compliance agencies.

## CONDUCT VIOLATIONS

The type of prohibited discriminatory, harassing, or retaliatory behavior which may be found to constitute a violation of the Organization's policy includes, but is not limited to:

- Making employment or membership decisions based on an individual's protected characteristics.
- Changing the terms, conditions, or privileges of employment of an employee in retaliation for filing a discrimination complaint or participating in the discrimination complaint process.
- Failing to consider a reasonable accommodation request for a disability or religious reasons.
- Denying a leave request for which an employee is eligible under FMLA, because of pregnancy, or pregnancy-related conditions. In addition to the FMLA, employees in Washington may be eligible for Paid Family and Medical Leave under RCW 50A.05, administered by the Washington Employment Security Department.
- Using discriminatory terms or telling discriminatory jokes that are based on an individual's protected status.
- Bullying or abusive conduct, including repeated infliction of verbal abuse and use of derogatory remarks, insults, and epithets.
- While bullying or abusive conduct may not constitute unlawful discrimination on its own, such conduct is prohibited by this policy when it contributes to a hostile or disrespectful environment

or violates VFW standards of conduct.

- Verbal and physical conduct that a reasonable person would find threatening, intimidating, or humiliating.
- Displaying objects, cartoons, pictures, or posters that are derogatory, sexual in nature, or discriminatory based on an individual's protected status.
- Posting, sending, uploading/downloading messages with discriminatory, retaliatory, or sexual content via electronic mail, the intranet/internet websites, cell phone, interoffice mail, or public or private mail.
- Discriminating against any employee or member in violation of this policy to create a hostile environment.
- Engaging in any unwanted physical contact or leering.
- Making harassing telephone calls to a coworker/member or sending harassing correspondence to an individual by any means, including, but not limited to, public or private mail, interoffice mail, facsimile, electronic mail, or text messaging.

### **SEXUAL HARASSMENT VIOLATIONS**

Sexual harassment is defined under State and federal laws and by this policy as unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct of a sexual nature. This may interfere with work performance or organizational business by creating an intimidating, hostile, or offensive environment. Such conduct constitutes sexual harassment in violation of this policy when:

- Submission to conduct or communication is made either explicitly or implicitly, as a term or condition of employment or membership.
- Submission to or rejection of the conduct or communication is used as a basis for employment or service decisions affecting the individual.
- Such conduct or communication has the potential to negatively affect an individual's work performance or membership participation.
- Create an intimidating, hostile, or offensive environment.

The type of prohibited discriminatory or harassing behavior which may be found to constitute a violation of the Organization's policy includes, but is not limited to:

- Demanding sexual favors in exchange for employment or membership benefits, or as a term or condition of employment or membership, whether explicitly or implicitly.
- Engaging in any unwanted physical contact, including touching, leering, making sexual gestures, impeding, or blocking movements, pinching, grabbing, patting, or intentionally brushing up against another individual in a sexual manner.
- Engaging in retaliation after a negative response to sexual advances.
- Using sexually derogatory terms or telling sexual jokes and/or stories.
- Displaying objects, cartoons, pictures, or posters of a derogatory or sexual nature.
- Posting, sending, or uploading/downloading sexual or demeaning materials in any form via electronic mail, the intranet/internet websites, cell phone, interoffice mail, or public or private mail.
- Following or stalking an employee or member.

- Making harassing telephone calls of a sexual nature to a coworker or sending sexually harassing correspondence to an individual by any means, including, but not limited to, the use of public or private mail, interoffice mail, electronic mail, social media, or text messaging.
- Rape, and sexual assault are crimes and law enforcement should be called immediately!

## **RESPONSIBILITIES**

### **Council of Administration**

The Council of Administration will review and approve the Organization's policy to meet the Organization's obligation to ensure an environment free of discrimination, harassment, and retaliation.

### **Bylaws/SOP/Policies Committee**

The Bylaws/SOP/Policies Committee shall review, recommend changes, and refer the Organization's Discrimination and Harassment Policy to the Council of Administration for adoption.

### **State Adjutant**

- Develop discrimination and harassment policies and procedures.
- Provide statewide direction in the implementation of the Organization's discrimination and harassment policy and procedures in compliance with state and federal laws and departmental policies to ensure a work environment free of discrimination, harassment, and retaliation.
- Provide technical assistance to subordinate units.
- Ensure the Organization follows requirements mandated by external state and federal agencies, including the Equal Employment Opportunity Commission (EEOC).
- Ensure employees under his/her supervision and subordinate units have a copy of the Organization's policy.

### **Post and District Leadership**

The Post and District shall:

- Maintain and promote an environment free from discrimination, harassment, retaliation, and unprofessional or disrespectful conduct related to this policy.
- Take immediate and appropriate action to stop conduct that violates this policy.
- Review of discrimination complaints received.
- Provide analysis and investigation of discrimination complaints alleging a violation of the Organization's discrimination and harassment policy.
- After initial review, provide the respondent in writing an order to stop/cease the alleged conduct or retaliation.
- Provide the State Adjutant with a final disposition of the complaint.
- Adopt the Organization's policy at the subordinate unit level.
- Ensure compliance with applicable state and federal laws, Bylaws, Manual of Procedure, and the Organization's policy by all employees, members, and volunteers under their management or supervision.

All Organization employees, members, and volunteers shall:

- Adhere to the Organization's discrimination and harassment policy and procedures, applicable state and federal laws, National Bylaws and Manual of Procedure, and the discrimination complaint process.
- Not engage in, condone, tolerate, or leave uncorrected conduct that violates this policy.
- Report any discrimination or harassment policy violations to any supervisor, manager, or Organization leadership.
- Cooperate with any investigation.

Failure by an employee, member, or volunteer to adhere to the above responsibilities may result in corrective and/or adverse action, up to and including dismissal from the Department or loss of membership and its privileges, regardless of rank, level, or classification.

### **COMPLAINT PROCESS**

It is the Organization's policy to resolve a complaint of discrimination, harassment, or retaliation at the lowest level. The following provides the basic steps that should be taken in the event of a complaint of discrimination or harassment:

- Complaint is filed by a member/employee/volunteer/guest via:
  - Letter
  - Email
  - Phone call or in person
    - Request the complainant to file a signed Incident Report.
    - If no written report is provided, determine as many facts as possible.
  - If the complaint is received at the Post, the Post Commander shall notify the State Adjutant and District Commander as soon as possible, preferably within 24 hours of receiving the complaint.
  - If the complaint is received at the District, the District Commander shall notify the State Adjutant and Post Commander as soon as possible, preferably within 24 hours of receiving the complaint.
  - If the complaint is received at the Department
    - The State Adjutant will notify the Post Commander and District Commander as soon as possible, preferably within 24 hours of receiving the complaint.
    - If the complaint involves the Post Commander, the State Adjutant shall notify the District Commander as soon as possible, preferably within 24 hours.
  - Anonymous complaints will be evaluated and may be investigated if sufficient facts are provided to assess the alleged conduct.
- Determine the action the complainant is seeking and provide options for remedial actions and resolutions.
- If the Post Commander receives the complaint, he or she will immediately:
  - Assign qualified personnel to complete a fair, timely, thorough, and objective investigation into the allegation(s).
  - Confidentiality will be maintained except as necessary to conduct a fair investigation, comply with legal obligations, or ensure safety.

- Will advise the respondent to cease the action and order that no retaliation against the complainant shall be taken.
- Investigations should be completed within 30 calendar days unless an extension is approved by the State Adjutant for good cause, and the findings reported to the State Adjutant.
- Reach a reasonable, good-faith conclusion as to the merits of the case based on all relevant facts and circumstances.
- Investigation Conclusion, Post Commander shall:
  - Under VFW National Bylaws, Article IX, disciplinary actions must follow the formal process for notice, hearing, and appeal, regardless of the member's rank or position.
  - Submit a copy of the Investigative Report and other relevant documentation to the State Adjutant.
  - Provide an update to the State Adjutant as to the status of the investigation/disciplinary action/non-disciplinary action.

The above steps are guidelines to be followed. These steps in no way supersede the obligations in the National Bylaws and Manual of Procedure, Section 709, or any other provision in the National Bylaws concerning the responsibilities of any Post.

## **EXTERNAL COMPLAINT**

All people covered by this policy may elect to file a discrimination complaint with the following external compliance agencies:

1. United States (U.S.) Equal Employment Opportunity Commission (EEOC) – A complainant may file a discrimination complaint with EEOC within 300 days from the last incident or notification of the alleged discriminatory act(s).
2. U.S. Department of Labor – A complaint filed with the U.S. Department of Labor should be filed within a reasonable time of when the employee discovers that his or her FMLA rights have been violated. In no event may a complaint be filed more than two years after the action that is alleged to be a violation of FMLA occurred, or three years in the case of a willful violation.

When a charge of discrimination is received from external compliance agencies, the Organization shall review the charge to determine the appropriate course of action and take suitable corrective action where appropriate. On behalf of the Organization, the State Adjutant will submit a position statement, including a response to the requested supplemental information, to the external compliance agencies.

## **REFERENCES**

### **State**

RCW 50A.05

### **Federal**

Title VII of the Civil Rights Act of 1964 (including amendments). Family and Medical Leave Act. Age Discrimination in Employment Act of 1967. Americans with Disabilities Act of 1990.

Uniformed Services Employment and Reemployment Rights Act. Title II of the Genetic Information Nondiscrimination Act of 2008.



**VFW**

Veterans of Foreign Wars of the United States Congressional Charter, Bylaws, Manual of Procedure and Ritual.

**DISCRIMINATION/HARASSMENT POLICY ACKNOWLEDGMENT FORM**

I acknowledge that I have received and read the Veterans of Foreign Wars, Department of Washington, Discrimination/Harassment Policy. I understand that I am responsible for adhering to the principles and standards of this Policy, including, specifically, not engaging in, condoning, tolerating, or leaving uncorrected conduct that violates this Policy.

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Post: \_\_\_\_\_

Date: \_\_\_\_\_

**Department Council of Administration Ratification**

Except as modified and amended by subsequent action of the Veterans of Foreign Wars, Department of Washington Council of Administration, the Discrimination/Harassment Policy is hereby ratified by majority vote and confirmed in full force and effect per its terms by the 2025-2026 Council of Administration on June 28, 2025.

Drew James  
State Commander

OFFICIAL:

Joe Wright  
State Adjutant