

	West Central Region Local Policy	
	Subject: Harassment and Discrimination	Release Date: 9/27/23
	Reference:	Revision: 1

The Workforce Development Board of Western Missouri, Inc. (WDB) is committed to providing a work environment free of unlawful harassment and discrimination for all employees, subcontractors, partners, and customers.

WIOA (29 CFR 38.18) states that harassment of an individual based on race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or, for beneficiaries, applicants, and participants only, based on citizenship status or participation in any WIOA Title I-financially assisted program or activity, is a violation of the nondiscrimination provisions of WIOA and this part.

This policy aligns with nondiscrimination and equal opportunity provisions of the following laws for participants, employees, and the general public:

- Section 188 of WIOA (race, color, religion, sex, national, origin, age, disability, or political affiliation or belief, or citizenship (participants only))
- Title VI of the Civil Rights Act of 1964(race, color, national origin)
- Section 504 of the Rehabilitation Act of 1973 (disability)
- The Age Discrimination Act of 1975 (any age)
- Title IX of the Education Amendments of 1972, and (sex)
- Any other nondiscrimination and equal opportunity federal laws

Employees as well as non-employees are prohibited from harassing or discriminating against staff, customers, and partner employees whether or not the incidents of harassment or discrimination occur on employer premises and whether or not the incidents occur during work hours. Behavior covered by this policy may extend beyond the normal work hours and occur at conferences, meetings, or other events and electronic activity including social media. An incident may be considered harassment or discrimination even if the accused party did not intend to be offensive.

This policy does not supersede any subcontractor or partner agency’s policy on harassment, discrimination, and retaliation and each agency housed in the Missouri Job Centers shall be expected to have policies and procedures to address harassment, discrimination, and retaliation.

	West Central Region Local Policy	
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Definitions

The following definitions are for general reference purposes only and are not intended as a substitute for any legal definitions.

Hostile Work Environment: When discriminatory or harassing conduct creates a work environment that would be intimidating, abusive, hostile, or offensive to reasonable people, or has the purpose or effect of unreasonably interfering with an individual's employment. Most, but not all, instances of hostile work environment involve pervasive harassment that has a cumulative effect.

Unwelcome Conduct: The employee did not solicit or invite the conduct and regarded it as undesirable or offensive.

Power-differentiated Working Relationships: Any work relationship in which one employee supervises or manages (directly or indirectly) another employee OR makes decisions concerning another employee's terms, conditions or privileges of employment.

Intimate Relationships: For the purposes of this policy the department will consider intimate relationships to be those that involve dating, sexual activity and/or romantic involvement.

Managers/supervisors participating in this type of relationship with their subordinates or with others where a power-differentiated relationship exists are in violation of this policy. Employees who find themselves involved in situations such as this are responsible for reporting their involvement to their supervisor, manager, or Human Resources.

The appropriate action will be taken to remove the power component from the relationship.

Protected Categories: Categories of individuals protected by law and/or executive order from a form of discrimination such as: age, ancestry, color, disability, genetic information, military/veteran status, national origin, pregnancy, race, religion, or sex (including sexual orientation and gender identity). *Under the scope of WIOA there are additional protected categories:* Political affiliation or belief, national origin (including limited English proficiency), or against any beneficiary of, applicant to, or participant in programs financially assisted in the Title I of the Workforce Innovation and Opportunity Act, on the basis of the individual's citizenship status or participation in any WIOA Title I-financially assisted program or activity.

Retaliation: Occurs when an employer takes an action or makes an adverse employment decision because an employee reports an incident of harassment or discrimination, or who participates in a related investigation.

	West Central Region Local Policy	
	Subject: Harassment and Discrimination	Release Date: 9/27/23
	Reference:	Revision: 1

Discriminatory Harassment

Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is toward another on the basis of a protected category, and 1) has the purpose or effect of creating an intimidating, hostile or offensive working environment; 2) has the purpose or effect of unreasonably interfering with an individual’s work performance; or 3) otherwise adversely affects an individual’s employment opportunities.

The following is a non-exclusive list of examples of prohibited conduct. The following behaviors will not be tolerated under any circumstance, whether or not the behaviors alone constitute discriminatory harassment or create a hostile work environment:

- Epithets, “jokes,” or offensive or derogatory comments based upon an individual’s sex, race, color, religion, national origin, age, disability, or sexual orientation
- Ethnic slurs, workplace graffiti, or any offensive conduct directed towards an individual’s birthplace, ethnicity, culture, or accent
- Negatively stereotyping an individual based upon one of the protected categories listed in this policy.
- Making, posting, e-mailing or circulating written or graphic materials that denigrate or show hostility toward an individual based upon his or her protected status.
- Any other threatening or intimidating act that relates to one (or more) of the protected categories.

Sexual Harassment

Prohibited behavior may also include any unwelcome behavior of a sexual nature such as: sexual advances and propositions; requests for sexual favors; sexual jokes, comments, suggestions, or innuendo; foul or obscene gestures or language; display of foul or obscene or offensive printed or visual material; physical contact such as patting, pinching, hugging or brushing against another individual’s body; and any other unwelcome verbal, physical or visual conduct of a sexual nature where:

1. Submission to such conduct is an explicit or implicit condition of employment; or
2. Submission to or rejection of such conduct is used as a basis for employment-related decisions such as a promotion, discharge, performance evaluation, pay adjustment, discipline, work assignment or any other condition of employment or career development; or

	West Central Region Local Policy	
	Subject: Harassment and Discrimination	Release Date: 9/27/23
	Reference:	Revision: 1

3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, abusive or offensive working environment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment typically involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Sexual harassment does not refer to behavior or occasional compliments of a socially acceptable nature.

Individuals who engage in sexual harassment, as defined by this policy, will be subject to disciplinary action.

Discrimination

No individual in the United States may, on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, or , for beneficiaries, applicants, and participants only, on the basis of citizenship or participation in any WIOA Title I-financially assisted program or activity, be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with any WIOA Title I financially assisted program or activity.

Reporting Harassment or Discrimination

Individuals who believe they are being subjected to such conduct are encouraged to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often, this task alone will stop or prevent the action.

All employees, subcontractors, and partners are encouraged to report all perceived incidents, whether experienced or witnessed, of discrimination, harassment, or retaliation, regardless of the offender’s identity or position. Individuals should follow the procedures of reporting such activities according to their employer of record’s established procedures. If unsure, the staff member should report it to their supervisor of record, Director, or Human Resources.

	West Central Region Local Policy	
	Subject: Harassment and Discrimination	Release Date: 9/27/23
	Reference:	Revision: 1

The WDB, subcontractor, and partners shall be expected to thoroughly investigate all reports of harassment as discreetly and confidentially as reasonably possible. In the event that an incident involves personnel from more than one agency, it shall be the responsibility of the reported to agency's human resources department to contact the other agency's human resource department.

Retaliation

It is against this policy to retaliate against any employee, subcontractor, or partner for filing a complaint of discriminatory harassment or for cooperating in an investigation of a complaint of discriminatory harassment.

Confidentiality

All inquiries, complaints, and investigations are treated confidentially unless legally required to be disclosed. Information is revealed strictly on a need to know basis. Information contained in a formal complaint is kept confidential and maintained in secure files.

Alternative Reporting Options

WIOA Equal Opportunity Officer or Civil Rights Center

If you think that you have been subjected to discrimination under a WIOA Title I-financially assisted program or activity, you may file a complaint within 180 days from the date of the alleged violation with either:

Danielle Smith
State WIOA Equal Opportunity Officer
421 E. Dunklin P.O. Box 1087
Jefferson City, MO 65101
Telephone: (573) 751-2428 or Fax: (573)751-4088
Email: Danielle.smith@ded.mo.gov
Email: DWDComplaintsandgrievances@ded.mo.gov

Or

The Director, Civil Rights Center (CRC)
U.S. Department of Labor
200 Constitution Avenue NW.
Room N-4123, Washington, DC 20210

Or electronically as directed on the CRC Web site at www.dol.gov/crc

	West Central Region Local Policy	
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Missouri Commission on Human Rights (MCHR)

Any person claiming to be aggrieved by an unlawful discriminatory practice, as defined in Chapter 213, RSMo, may also file a complaint with the Missouri Commission on Human Rights at (573) 751-3325 within 180 days of the most recent alleged discrimination.

U.S. Equal Employment Opportunity Commission (EEOC)

If you believe that you have been discriminated against at work because of your race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, age (40 or older), disability or genetic information, you can file a Charge of Discrimination. A charge of discrimination is a signed statement asserting that an employer, union or labor organization engaged in employment discrimination. It requests EEOC to take remedial action. In general, you need to file a charge within 180 days from the day the discrimination took place. The EEOC can be contacted at 1-800-669-4000.

Questions

Questions regarding this policy can be directed to the Equal Opportunity Officer for the Workforce Development Board of Western Missouri, Inc.

<p>Contact Information</p> <hr/> <p>Tara Colter Lappat Equal Opportunity Officer Workforce Development Board of Western Missouri, Inc. 150 S. Limit, Suite 300 Sedalia, Mo 65301</p> <p>Phone: (660) 827-3722 Fax: (660) 827-3789 Email: t.lappat@wcregion.org</p>
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