Harassment, Discrimination & Nondiscrimination Policy

It is the policy of the Workforce Development Board of Southeast Missouri (SEWDB) and subcontractors to be committed to providing a workplace free of unlawful harassment and discrimination for all employees and customers. Employees assuming a management/supervisory role must report all complaints and instances of harassment or discrimination to the SEWDB Equal Opportunity Officer immediately.

All complaints, to include unlawful harassment, discrimination and offensive behavior in general, will be investigated in a timely fashion and will remain confidential to the extent possible. 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 extra-curricular events. An incident may be considered harassment or discrimination even if the accused party did not intend to be offensive.

The Southeast Workforce Development Board complies with the OWD current issuance guide related to Harassment, Discrimination, Retaliation, and the Nondiscrimination Requirements.

The Southeast Workforce Development Board works with federal programs that prohibits discrimination on the basis of race, color, religion, sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), national origin (including limited English proficiency), age, disability, or political affiliation or belief, or, against any beneficiary of, applicant to, or participant in programs financially assisted under 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.

Definitions

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

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.

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Harassment, Discrimination & Nondiscrimination Policy

1. Unlawful Harassment

Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is based on or relates to an individual's sex (including pregnancy, childbirth, and related medical conditions, sex stereotyping, transgender status, and gender identity), race, color, religion, national origin (including limited English proficiency), age, disability, or any other status protected by law, 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.

Examples of prohibited conduct include but are not limited to epithets, slurs, negative stereotyping, written or graphic material, including e-mails that denigrate or show hostility toward an individual, or any other threatening or intimidating act that relates to race, gender, sex, color, religion, national origin, age, or disability.

2. 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

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.

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Harassment, Discrimination & Nondiscrimination Policy

3. Discrimination & Nondiscrimination

The Workforce Development Board of Southeast Missouri (SEWDB) and its subcontractors are committed to providing a work environment free from discrimination based on religion, race, sex, national origin, age, disability, color, or veteran status. Prohibited behavior may include, but is not limited to, discrimination in the provision of employment opportunities and training, benefits, or the creation of a discriminatory working environment.

All forms of sex discrimination are prohibited under the Workforce Innovation & Opportunity Act (WIOA), DWD Issuance 33-2017. Nondiscrimination provisions include gender identity, gender expression, sex stereotyping, transgender status, pregnancy, childbirth, related medical conditions, and limited English Proficiency.

Reporting Harassment, Discrimination & Nondiscrimination

Employees who feel they have witnessed or experience behavior prohibited by this policy in connection with their employment with SEWDB and its subcontractors, or who have questions, concerns or complaints of discrimination, including a complaint of harassment, should immediately report the circumstances or incident as indicated below:

Employee Responsibilities

If employees believe they have been subjected to harassment or discrimination, the following steps should be taken:

1. If possible, make their unease and/or disapproval directly and immediately know to the offending party. Employees can often stop or prevent harassment by immediately and directly expressing their disapproval of any individual's conduct in a professional manner.

2. Make a written record of the date, time and nature of the incident and the names of any witnesses.

3. Immediately report the incident to the Equal Opportunity Officer, their supervisor, or their manager. All incidents of harassment and discrimination should be reported immediately regardless of whether or not the employee addressed the incident with the offending party.

4. To initiate a formal investigation into an alleged violation of this policy, employees must file a Harassment and Discrimination Complaint Form with the Equal Opportunity Officer. The Equal Opportunity Officer can assist the complainant in completing the Harassment and Discrimination Complaint Form. To ensure a prompt and thorough investigation, the complainant should provide as many details as possible.

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5. Charges of unlawful discrimination or sexual harassment may also be filed with the Missouri Commission on Human Rights within 180 days of the most recent unlawful act.

Management Responsibilities

Harassment and discrimination is a violation of federal and state law and cannot legally be ignored or hidden. All managers/supervisors are responsible for:

1. Immediately reporting all incidents of harassment or discrimination to the Equal Opportunity Officer whether or not a written complaint is received.

2. Taking steps to maintain a work environment free of harassment and discrimination and for taking corrective action if such incidents occur.

Human Resources

Upon receiving a complaint or notification of an incident possibly involving harassment or discrimination, the Equal Opportunity Officer will be responsible for:

1. Ensuring that both the individual filing the complaint and the accused individual are aware of the seriousness of the allegations being made;

2. Explaining the Harassment and Discrimination Policy as well as the investigation procedures to both the complainant and the respondent;

3. Exploring informal means of resolving complaints, depending on the seriousness of the charges;

4. Notifying the police if criminal activities are alleged;

5. Arranging for an investigation of the alleged harassment or discrimination in a timely fashion and the preparation of a written report; and

6. Notifying the complainant of the findings in writing. However, no details about the nature or extent of any disciplinary or corrective actions will be disclosed to the complainant(s) and/or witness(es) unless there is a compelling reason such as the personal safety of the complainant.

Remedial Action

1. Appropriate remedial action will be taken to remove all forms of harassment or discrimination.

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2. Violating this policy may result in reprimand, suspension, demotion or dismissal.

3. All employees are required to cooperate with any investigation of situations of which they have knowledge. Any employee who impedes an investigation or provides false information may be subject to disciplinary action.

Retaliation

1. Any employee who in good faith reports incidents of harassment or discrimination, or who participates in a related investigation should not experience retaliation as a result.

2. Any employee who believes they have been retaliated against should immediately inform his/her supervisor or the Equal Opportunity Officer.

3. Any employee who retaliates against another employee for filing or participating in an investigation of harassment or discrimination may be subject to disciplinary action.

Confidentiality

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

Contact Information

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