Reviewed: 6/3/2025

ADMINISTRATIVE POLICIES/PROCEDURES

Issuance No: A-18
Issuance Date: 7/1/23
Subject: Harassment, Discrimination, and Retaliation Policy

Introduction

All Workforce Innovation and Opportunity Act (WIOA) Title I financially assisted entities must have policies that:

1. Prohibit employees and non-employees from harassing or discriminating against staff, customers, and partner employees; and
2. Prohibit retaliation against, harassment, or discrimination complainants.

Background

Section 188 of WIOA and the nondiscrimination and equal opportunity provisions of 29 CFR Part 38 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.

A WIOA Title I recipient must not discharge, intimidate, retaliate, threaten, coerce, or discriminate against any individual because the individual has (1) Filed a complaint alleging a violation of Section 188 of WIOA or this part; (2) Opposed a practice prohibited by the nondiscrimination and equal opportunity provisions of WIOA or this part; (3) Furnished information to, or assisted or participated in any manner in, an investigation, review, hearing, or any other activity related to any of the following: (i) Administration of the nondiscrimination and equal opportunity provisions of WIOA or this part; (ii) Exercise of authority under those provisions; or (iii) Exercise of privilege secured by those provisions; or (4) Otherwise exercised any rights and privileges under the nondiscrimination and equal opportunity provisions of Section 188 of WIOA or the provision of 29 CFR Part 38.

To comply with the regulations listed above, the Missouri Office of Workforce Development (OWD) requires that all Local Workforce Development Boards (Local WDB), partner agencies, and sub-recipients develop and implement policies that prohibit employees and non-employees from harassing, discriminating against, intimidating, or retaliating against staff, customers, and partner employees.

Definitions

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

Power-differentiated Working Relationships: Any working 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 this policy, the WDB 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 violate this policy. Employees who find themselves involved in situations such as this are responsible for reporting their involvement to their supervisor, manager, director, or Equal Opportunity Officer. 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 any 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).

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

Compliance

Unlawful Harassment

Prohibited conduct includes unwelcome conduct, whether verbal, physical, or visual, that is based on or relates to an individual's sex, race, color, religion, national origin, 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.

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 than the harasser, individuals in positions of lesser or equal authority can also 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.

Discrimination

The Workforce Development Board and its subcontractors are committed to providing a work environment free from discrimination based on 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, political affiliation or belief, 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.

Retaliation

Regulations also prohibit retaliation against individuals who oppose unlawful discrimination or participate in an employment discrimination proceeding. As a result, an agency may not fire, demote, harass, or otherwise take adverse action against an employee or applicant for employment for filing a charge of discrimination, participating in a discrimination proceeding, or otherwise opposing discrimination.

Reporting

Any employee of the Workforce Development Board who believes they have been a victim of harassment, discrimination, or retaliated against should immediately inform his/her supervisor or the proper authority as outlined in the North Central Missouri College Employee Handbook.

If a customer, participant, applicant of employment, or employee (including partner employees) believes they have been the victim of harassment, discrimination, or retaliation, they may file a complaint by following the region's complaint and grievance policy.

All WDB sub-recipients must have policies and procedures implemented and enforced within their organization to address Harassment, Discrimination, and Retaliation.

The Workforce Development Board of North Missouri is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities. Missouri TTY users can dial 711. This information can be translated into another language if requested. Please contact the WDB Office for translation assistance.

Esta información se puede traducir a otro idioma si se solicita. Comuníquese con la Oficina de la Junta de Desarrollo de la Fuerza Laboral para obtener ayuda con la traducción.

Ces informations peuvent être traduites dans une autre langue sur demande. Veuillez contacter le bureau du Conseil de développement de la main-d'œuvre pour obtenir de l'aide en matière de traduction.