



<u>Policy # 14</u>	
SUBJECT:	Prohibition of Harassment
DATE ISSUED:	July 1, 2021
DATE EFFECTIVE:	July 1, 2016

PURPOSE: Establish the Prohibition of Harassment Policy of the Workforce Development Board of Kanawha County (WDB-KC) for services offered through Title I of the Workforce Innovation and Opportunity Act of 2014

REFERENCES: Section 181(c) and 188(a) Workforce Innovation and Opportunity Act 2104; 20 CFR Part 667.275; 29 CFR Part 38

BACKGROUND: The Workforce Innovation and Opportunity Act of 2014 requires that recipients of WIOA Title I funds shall provide equal opportunity to individuals without regard to age, race, color, religion, sex, national origin, disability, citizenship, political affiliation, or belief.

POLICY: It is the policy of the Workforce Development Board of Kanawha County (WDB-KC) that all applicants /enrollees and employees have a right to work, train, and receive services in an environment free of discrimination, which encompasses freedom from harassment. The WDB-KC promotes a system wide policy intended to prevent harassment of any type, including sexual harassment, of its applicants / enrollees and employees and to deal quickly and effectively with any incident that might occur.

Definition of harassment

Harassment occurs when an applicant / enrollee, or employee is subjected to unwelcome verbal or physical conduct because of race, religious beliefs, color, place of origin, gender, mental or physical disability, ancestry, marital status, family status, source of income, or sexual orientation.

Examples of harassment which will not be tolerated are verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about any applicants / enrollees and employee’s appearance, religious beliefs, color, place of origin, mental or physical disabilities, ancestry, marital status, family status, source of income or gender. WDB-KC will not tolerate the display of pornographic, racist or offensive signs or images; practical jokes that result in awkwardness or embarrassment; unwelcome invitations or requests, whether indirect or explicit. These illustrative examples are not intended to be encompassing of all conduct that may constitute harassment.

Definition of sexual harassment

Unwanted sexual advances, unwanted requests for sexual favors, and other unwanted verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term of, or condition of, an applicant’s / enrollee’s employment / participation; or
2. submission to, or rejection of, such conduct by an individual affects that individual’s opportunities /participation / employment.

Specifically, no individual shall threaten or insinuate either explicitly or implicitly that any subordinate's (employee, student, applicant) submission to or rejection of sexual advances will in any way influence any personnel decision regarding that individual's possible admission to the program, training opportunities, employment, evaluation, wages, advancement, assigned duties, shifts or any other condition of training / employment or career development.

Sexual harassment can include such things as repeated offensive sexual flirtation, touching, advances, propositions, graphic / verbal commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, jokes, innuendos, and other sexually suggestive or pornographic materials. These illustrative examples are not intended to be encompassing of all conduct that may constitute harassment. The behavior need not be intentional in order to be considered sexual harassment.

Procedure

If you are being harassed:

1. Tell the harasser his/her behavior is unwelcome and ask him/her to stop.
2. Keep a record of incidents (date, times, locations, possible witnesses, what happened, your response.) You do not have to have a record of events to file a complaint, but a record can strengthen your case and help you remember details over time.
3. If, after asking the harasser to stop his/her behavior, the harassment continues, file a complaint following the WDB-KC Grievance Procedure outlined in Policy #16. The first level of reporting should be to an individual's immediate supervisor unless that individual is the violator. In that situation, the complaint should be reported to the next level in the chain of command or to the WDB-KC Equal Opportunity Officer.

Dealing with a complaint

1. An investigation will be undertaken immediately upon receiving a harassment complaint. Harassment complaints shall be held in confidence to the extent possible. While absolute confidentiality cannot be guaranteed, information shall only be disclosed to appropriate individuals on a need-to-know basis to investigate and resolve the matter.
2. Both the complainant and the alleged harasser will be interviewed, as will any individuals who may be able to provide relevant information. All information will be kept in confidence.
3. If the investigation reveals evidence to support the complaint of harassment, the harasser will be disciplined appropriately. Discipline may include suspension or dismissal, and the incident will be documented in the harasser's file.
4. If the investigation fails to find credible evidence to support the complaint, there will be no documentation concerning the complaint placed in the file of the alleged harasser.
5. No retaliation will be tolerated against applicants / enrollees and employees who report harassment or assist in the investigation of a complaint, regardless of the outcome of a harassment complaint.

Responsibility of management

It is the responsibility of all supervisors employed or funded by the WDB-KC to take immediate and appropriate action to report or deal with incidents of harassment of any type whether brought to their attention or personally observed. Under no circumstances should a legitimate complaint be dismissed or



downplayed, nor should the complainant be told to deal with it personally.

Additionally, all complaints will be reported to the WDB-KC Director within 24 hours of the staff or supervisor/manager becoming aware of the incident, including filing of an incident report, General Complaint, Grievance/Complaint or EO Complaint as appropriate.

All work experience contractors and other service providers will be made aware of this policy and other WDB-KC Policies regarding complaints, grievances, and Equal Opportunity, as well as contact information for the WDB-KC Director.

ACTION: WDB-KC shall inform individuals applying for or receiving services under Title I of the Workforce Innovation and Opportunity Act of their rights under this policy. All recipients and sub-recipients of Workforce Innovation and Opportunity Act funds through Region III shall be required to verify compliance with this policy. Failure to follow this policy shall result in disapproval of funds.