



Tulsa Area Workforce Development Board, Inc.
Proudly serving Creek, Osage, Pawnee and Tulsa Counties in Oklahoma

Anti-Harassment Policy

Board Approved: 08/16/2018

907 S. Detroit Ave., Tulsa OK 74120 Phone: 918-595-8913 www.workforcetulsa.com

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*Workforce Tulsa is an equal opportunity employer/program. Auxiliary aids and services are available upon request to individuals with disabilities.
This presentation was financed in whole or part by funds from the US Department of Labor as administered by the Oklahoma Office of Workforce Development.
TDD/TTY: 1-800-722-0353; Voice: 1-800-522-8506*

Anti-Harassment Policy Changes Overview

Most Recent Policy Changes:

Implementation Date: 08/30/2018
Board Approval: 08/16/2018
Executive Committee Approval: 08/09/2018
Oversight Committee Approval: 07/30/2018

Reason: Update the policy to reference 29 C.F.R 38 and comply with the appropriate Equal Opportunity grievance process.

Rescinded: Anti-Harassment Policy TU2016-022017

Board Approval: 02/16/2017
Executive Committee Approval: 01/30/2017
Oversight Committee Approval: 01/30/2017

Reason: This policy was created to provide written procedures on how to handle harassment issues in programs and Job Centers under the purview of the Tulsa Area Workforce Development Board.

Tulsa Area Workforce Development Board

Anti-Harassment Policy

Board Approval: 02/16/2017

I. Purpose:

To establish local anti-harassment standards for the programs and Job Centers under the purview of Tulsa Area Workforce Development Board (TAWDB).

II. Authority:

Title VII of the Civil Rights Act of 1964; 29 CFR 38.10; Oklahoma Workforce Development Issuance #01-2018 WIOA § 188 Discrimination Complaint Procedures.

III. Local Policy

Workforce Tulsa is committed to maintaining a service environment free of sexual and other forms of unlawful harassment in our job centers and Adult, Dislocated Worker, and Youth programs. Participants referenced in this policy are jobseeker customers, not employer customers. This policy must be shared with all Service Provider staff and participants.

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.

Unwelcome sexual advances, requests for sexual favors, or offensive remarks about a person's race, color, religion, sex, national origin, age, disability, political affiliation or belief, or citizenship or participation, and other unwelcome verbal or physical conduct based on one or more of these protected categories constitutes unlawful harassment on that basi(e)s when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of accessing the aid, benefit, service, or training of, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity;
- Submission to or rejection of such conduct by an individual is used as the basis for limiting that individual's access to any aid, benefit, service, training, or employment from, or employment in the administration of or in connection with, any WIOA Title I-financially assisted program or activity; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's participation in a WIOA Title I-financially assisted program or activity creating an intimidating, hostile or offensive program environment.

Harassment because of sex includes harassment based on gender identity; harassment based on failure to comport with sex stereotypes; harassment based on pregnancy, childbirth, and related medical conditions; and sex-based harassment that is not sexual in nature but that is because of sex or where one sex is targeted for the harassment.¹

Workforce Tulsa strictly prohibits and will not tolerate any form of unlawful harassment. Service Provider staff and participants who engage in harassing behavior will be subject to immediate and severe disciplinary action, up to and including termination of services and/or employment.

Service Provider staff and/or participants who are subject to unwelcome or offensive conduct by a fellow customer,

¹ 29 CFR 38.10

Workforce Tulsa employee, or any other party participating in Workforce Tulsa services, must report the conduct immediately pursuant to the procedure provided in the policy. Early reporting and prompt intervention are the most effective methods of resolving and deterring harassment. Service Provider staff and/or participants should not assume management is aware of alleged harassment. If you believe you have been or are being harassed, you should report the matter immediately to the Service Provider Program Director, or any other member of Workforce Tulsa management. Any supervisor who becomes aware of possible harassment must immediately advise the Service Provider Program Director who will then contact the Executive Director and/or Manager of Compliance immediately. The Executive Director and/or Manager of Compliance will conduct a prompt and thorough investigation and take any necessary remedial or disciplinary action warranted by the investigation.

This policy shall be made available upon request.

A. Service Provider

All Service Provider staff must read and sign the Attachment A - Notice of Anti-Harassment Procedures, then sign Attachment C - Harassment Reporting Agreement and provide signed copies of the documents to Workforce Tulsa Executive Director on or before the staff persons first day of employment.

B. Program Procedures

All participants shall read and receive a copy of Attachment A - Notice of Anti-Harassment Procedures found in this policy. The participant must sign the Receipt of Acknowledgment form, which shall list the Anti-Harassment Policy. The participant anti-harassment documentation, the Attachment A - Notice of Anti-Harassment Procedures and the Receipt of Acknowledgment form shall be included in the intake process and packet upload, alongside the grievance and equal opportunity forms.

Attachment A - Anti-Harassment Policy Acknowledgement shall be included in the upload that contains the Grievance and Equal Opportunity documentation.

C. Complaint Filing Procedures

Guidance has been established for lodging a complaint of harassment. Workforce Tulsa shall treat all aspects of the procedure confidentially to the extent reasonably possible. In the event that a Title I registrant or participant, a One-Stop partner, a service provider, or any other interested party has a complaint of harassment, an opportunity to submit the complaint shall be offered. Please use the Attachment B: Harassment Reporting Form.

1. Contents of Complaint

- a) Be signed by the grievant or his/her authorized representative;
- b) A clear, concise statement of the facts of the case, including--
 - i. The full name, mailing address, email address, and phone number of the party or parties filing the grievance.
 - ii. The full name, mailing address, email address, and phone number of the party or parties alleged to have committed the act.
 - iii. The date(s) on which the alleged acts which are the basis of the grievance occurred, or if continuing, when such acts began and describe the continuing nature.
 - iv. The full name, mailing address, email address, and phone number of persons who may have knowledge of the facts of the grievance.
 - v. Any other factual information supporting the complaint.
 - vi. Any other factual information supporting the complaint.
- c) Description of the complainant's allegations in sufficient detail as to establish a clear understanding of the alleged incident.

¡IMPORTANTE! Este documento contiene información importante sobre sus derechos, responsabilidades y/o beneficios. Es importante que usted entienda la información en este documento. Nosotros le podemos ofrecer la información en el idioma de su preferencia sin costo alguno para usted. Llame al (918) 796-1224 para pedir asistencia en traducir y entender la información en este documento.

Attention: Equal Opportunity Officer
Tulsa Area Workforce Development Board
Workforce Tulsa
907 S. Detroit Ave., Suite 1325
Tulsa, Oklahoma 74120
ncue@workforcetulsa.com

D. Process of Investigation

Upon receiving a written complaint of a potential violation of this policy, the Executive Director of Workforce Tulsa will make the determination to review the complaint with TAWDB's legal counsel. Subject to legal counsel, the following process may apply:

Within 5 working days, the EO Officer or his/her designee will determine that the complaint of discrimination falls under their jurisdiction or not, and must issue a written notice of receipt to the complainant. The notice of receipt must be sent to all individuals and entities that are included in submitting the complaint, as well as all individuals and entities that may be found jointly or severally liable.

Within 15 business days of the Notice of Receipt, the EO Officer must issue an Initial Notice of Acceptance to indicate to the complainant that they have accepted the complaint and have begun the fact-finding and investigation process.

Within five days after the investigation is concluded, the Executive Director and/or Manager of Compliance will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of any action being taken. The decision will be in writing and a statement for or against disciplinary action. If disciplinary action is to be taken, the respondent will be informed of the nature of the discipline and how it will be executed.

If a complainant chooses to utilize the **mediation process (Alternate Dispute Resolution)**, they must notify the EO Officer in writing **within 10 calendar days** of the date they received the Notice of Receipt.

For more information on how to file a discrimination complaint, please see the Equal Opportunity Policy.

E. Alternative Legal Remedies

Nothing in this policy may prevent the complainant or the respondent from pursuing formal legal remedies or resolution through local, state, or federal agencies or the courts.

IV. Compliance

The Executive Director and/or Manager of Compliance shall review all harassment claims and responses to ensure each claim process is compliant with local policy and procedures.

It shall be the responsibility of the Executive Director and/or Manager of Compliance to develop and carry out methods and procedures to implement this policy - including directives, technical assistance, and compliance monitoring activities.

V. Attachments

Attachment A: Notice of Anti-Harassment Procedures
Attachment B: Harassment Reporting Form
Attachment C: Staff Receipt and Reporting Agreement

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The Tulsa Area Workforce Development Board (TAWDB), dba Workforce Tulsa, is funded under the federal Workforce Innovation and Opportunity Act (WIOA) of 2014. As a recipient of federal funds, TAWDB and contractors must comply with all WIOA requirements and TAWDB approved policies.

Notice of Anti-Harassment Procedures

Every applicant, participant, employee, or other interested party shall have the right, without fear of reprisal, to present a complaint or grievance. Harassment is divided into two areas: **Sexual Harassment** and **Other Forms of Prohibited Harassment**.

Sexual Harassment

Sexual harassment prohibited by Workforce Tulsa includes, but is not limited to, any offensive conduct, verbal or non-verbal, related to an individual's sex, including: sexual advances, requests for sexual favors, unwelcome or offensive touching, and any other inappropriate conduct of a sexual nature. Examples of sexual harassment prohibited by this policy include:

- Submission to conduct of a sexual nature is made either explicitly or implicitly as a term or condition of an individual's services.
- Dating or other romantic or sexual relationships between customers over the age of 18 and customers legally considered a minor (17 years old or younger).
- Unwanted physical contact or conduct of any kind occurs, including sexual flirtations, touching, advances, or propositions.
- Verbal harassment of a sexual nature occurs, such as lewd comments, sexual jokes or references, and offensive personal references.
- Demeaning, insulting, intimidating, or sexually suggestive comments are made about an individual or individuals.
- Displaying any objects, pictures, photographs, or other items which are demeaning, insulting, intimidating, lewd, sexually suggestive, or pornographic.
- Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages are conveyed (such as letters, memos, notes, e-mail, instant messaging, telephonic, or other written or verbal communications).
- Any other inappropriate conduct of a sexual nature creating an intimidating, hostile, or offensive environment.

Other Forms of Prohibited Harassment

Other forms of harassment prohibited by Workforce Tulsa include any offensive conduct, verbal or non-verbal, relating to one's race, color, religion, pregnancy, national origin, age, disability, sexual orientation, genetic information, veteran's status or citizenship, such as, but not limited to the following:

- Unwanted physical contact, hazing, assault, battery, or threats.
- Verbal harassment, such as offensive or insensitive comments, jokes, slurs, epithets, or inappropriate and offensive personal references.
- Demeaning, insulting, intimidating, or threatening comments.
- Displaying any objects, pictures, photographs, or other items which are demeaning, insulting, intimidating, or offensive.
- Demeaning, insulting, intimidating, or offensive written, recorded, or electronically transmitted messages (such as graffiti, letters, memos, notes, e-mail, text messaging, instant messaging, telephonic, or other written or verbal communications).
- Any other conduct relating to one's race, color, religion, pregnancy, national origin, genetic information, age, disability, veteran status, or citizenship that has the purpose or effect of interfering with one's work performance or creating an intimidating, hostile, or offensive work environment.

Harassment Reporting

Early reporting and prompt intervention are the most effective methods of resolving and deterring harassment. Customers should not assume management is aware of alleged harassment. If you believe you have been or are being harassed, you should report the matter immediately to the Program Director, or any other member of Workforce Tulsa management. Any supervisor who becomes aware of possible harassment must immediately advise the Program Director who will then contact the Executive Director and/or Manager of Compliance immediately. The Executive Director and/or Manager of Compliance will conduct a prompt and thorough investigation and take any necessary remedial or disciplinary action warranted by the investigation. Due to the sensitive and potentially harmful, damaging, and disruptive nature of allegations of harassment, Workforce Tulsa will maintain reports of harassment as confidential as possible under the circumstances.

Harassment Complaints

Each report of harassment, including reports of alleged retaliation against those who have reported possible harassment, will be

investigated promptly and thoroughly. The investigation may include individual interviews with the parties involved and, when necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. To assure objectivity and impartiality, any individual accused of harassment or retaliation will not be involved in the investigative or disciplinary process in a decision-making capacity. Confidentiality will be maintained throughout the investigation to the extent consistent with an adequate investigation and appropriate corrective action.

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 the recipient's Equal Opportunity Officer (or the person whom the recipient has designated for this purpose) or the Director, Civil Rights Center (CRC), U.S. Department of Labor.

- If you file your complaint with the recipient, you must wait either until the recipient issues a written Notice of Final Action, or until 90 days have passed (whichever is sooner), before filing with the Civil Rights Center (see address below).
- If the recipient does not give you a written Notice of Final Action within 90 days of the day on which you filed your complaint, you do not have to wait for the recipient to issue that Notice before filing a complaint with CRC. However, you must file your CRC complaint within 30 days of the 90-day deadline (in other words, within 120 days after the day on which you filed your complaint with the recipient).
- If the recipient does give you a written Notice of Final Action on your complaint, but you are dissatisfied with the decision or resolution, you may file a complaint with CRC.
- You must file your CRC complaint within 30 days of the date on which you received the Notice of Final Action.

Tulsa Area Workforce Development Board
Nicole Cue, Local EOO
907 S. Detroit Ave., Suite 1325
Tulsa, OK 74120
(918) 595-8913
ncue@workfortulsa.com

Oklahoma Office of
Workforce Development
Attn: EO Officer
900 North Portland Avenue
Oklahoma City, OK 73107
workforce@osuokc.edu

Director
Civil Rights Center (CRC),
Attention: Office of External Enforcement
U.S. Dept. of Labor,
200 Constitution Avenue NW, Room N-4123,
Washington, DC 20210
<http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>

Remedial and Disciplinary Action

Workforce Tulsa will respond promptly and appropriately to misconduct constituting harassment, discrimination, or retaliation. Appropriate action may be taken pending the outcome of the investigation, and the party who filed the claim of harassment will be notified of the result. Responsive action following an investigation will be based on the results of the investigation and may include one or more of the following: referral to counseling or disciplinary action such as termination of services, or contacting law enforcement. Please note all customers caught engaging in sexual relations with a legal minor will be immediately reported to law enforcement.

IMPORTANT NOTICE TO ALL CUSTOMERS

Customers who have experienced unlawful harassment or retaliation have an obligation to take advantage of this complaint procedure. A customer's failure to fulfill this obligation could detrimentally affect his or her rights in pursuing legal action.

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Person Reporting Harassment

First Name	Last Name	Phone Number
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Street Address	City	State	Zip Code
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Email Address

Harassment Victim's Information

First Name	Last Name	Phone Number
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Street Address	City	State	Zip Code
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Email Address

Description of Harassment: Include names of witnesses, their contact information, and the date(s) for which the alleged acts of the harassment occurred, or if continuing, when such acts began and describe the continuing nature. If more room is needed please use the back of this document.

Date(s) of Harassment

Person Reporting Signature

Date

Workforce Tulsa Representative Receiving Form Signature

Date

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This agreement is a commitment by a member of the Workforce Tulsa Service Provider staff. Any supervisor who becomes aware of possible harassment must immediately advise the Program Director who will then contact the Tulsa Area Workforce Development Board Executive Director and/or Manager of Compliance. The Executive Director and/or Manger of Compliance will conduct a prompt and thorough investigation and take any necessary remedial or disciplinary action warranted by the investigation. Staff should report all harassment including harassment experienced by Service Provider staff and/or participant and harassment observed based on the guidelines in the Anti- Harassment policy.

I, _____, have read the Workforce Tulsa Anti- Harassment Policy. I agree to report all acts of Harassment to my superior within the same business day of the initial communication. I will have the individual reporting the concern complete the **Harassment Reporting Form** in full, sign and date. I agree to submit this report to the Program Director or onsite manager immediately. If the customer is onsite at the center and available to offer a verbal report, I will contact the Workforce Tulsa Executive Director and/or Manager of Compliance, immediately.

Print Name

Signature

Date

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