

**AN ORDINANCE PROHIBITING HARASSMENT, DISCRIMINATION AND
RETALIATION WITHIN THE JEFFERSON COUNTY HEALTH CENTER
ORDINANCE NO. 23-11-30-01**

WHEREAS, the Jefferson County Health Center (JCHC) is committed to maintaining a workplace environment that is free from discrimination, harassment, and retaliation in admission or access to, or treatment or employment in, its programs, services, activities and facilities; and

WHEREAS, the JCHC is committed to providing equal opportunity in all areas of recruiting, hiring, retention, promotion and contracted service; and

WHEREAS, harassment or discrimination because of an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law is prohibited by State and Federal Law; and

WHEREAS, a person who files a complaint of discrimination or harassment or participates in an investigation of allegations of harassment or discrimination is protected against retaliation for filing a good-faith complaint; and

WHEREAS, in its programs and activities, the JCHC does not discriminate on the basis of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic protected by law and as required by Titles VI and VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Title II of the Americans with Disabilities Act of 1990, and state law; and

WHEREAS, JCHC has the obligation to investigate allegations of harassment, discrimination, and/or retaliation and take appropriate steps reasonably calculated to resolve the situation, eliminate the misconduct, prevent its recurrence and as appropriate, remedy its effects, and

WHEREAS, JCHC has the obligation to take equitable and remedial action within its authority on complaints that come to the attention of the JCHC, either formally or informally.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of Jefferson County Health Center governs JCHC's compliance with the laws identified above through this Ordinance, prohibiting discrimination and providing for a complaint procedure to process all complaints of illegal harassment and/or discrimination.

Section 1. COMPLIANCE OFFICERS. The Compliance Officers will:

1. Receive complaints of discrimination or harassment based on an individual's race, color, national origin, ancestry, religion, sex (including sexual orientation and gender identity), disability, age, genetic information, or any other characteristic protected by law.
2. Oversee the investigative process. The Compliance Officers may retain an independent investigator or request Counsel perform the investigation.

3. Assess the training needs of JCHC staff and Board members in connection with the dissemination, comprehension, and compliance with this provision.
4. Arrange for necessary training required for compliance with this provision.
5. Ensure that investigations are conducted by an impartial investigator.
6. In the event the complaint is about the Compliance Officer or his/her immediate supervisor, the Board will consider appointment of an outside investigator.

The following individuals are designated and authorized as JCHC's Compliance Officers to coordinate compliance with the laws identified above, including to handle inquiries or complaints regarding JCHC's non-discrimination policies: Jennifer Pinkley and Steven Sikes.

Section 2. DEFINITIONS. For the purpose of this Ordinance, the following terms are defined:

Compliance Officer: JCHC employee(s) designated by the Board to coordinate JCHC's compliance with Board policy, Missouri statutes, and federal laws regarding discrimination, harassment and retaliation based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic or any other characteristic that is protected by law.

Day: A calendar day. All timeframes and deadlines may be extended by the Board for good cause, including but not limited to Board-approved holiday breaks and building closures.

Disability: A physical or mental impairment that substantially limits a major life activity.

Discrimination: Adverse conduct directed at an individual or group based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law. The encouragement, cooperation, coercing, or support of adverse conduct that is based on race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law is discrimination.

Harassment: Harassment is conduct, including but not limited to, intimidation, ridicule or insult, toward an individual or group because of race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law and is so severe or pervasive that it:

- Affects an individual's ability to work in, participate in, or benefit from a program or activity provided by JCHC; and
- Creates an intimidating, threatening, abusive hostile or offensive environment; or
- Has the purpose or effect of substantially or unreasonably altering the work environment.

Examples of conduct that may be considered *harassment* based on an individual's race, color, national origin, ancestry, religion, disability, age, or genetic information, or any other characteristic that is protected by law include, but are not limited to:

- display of drawings, graffiti, cartoons, pictures, symbols or other written material;
- jokes;
- gestures;
- slurs, derogatory stereotypes or remarks, rumors, name-calling, insults, teasing, or taunting;
- threats or intimidating conduct;
- hostile action, physical aggression or violence; and
- damage or theft of property.

Retaliation: Adverse conduct including, but not limited to, conduct of a coercive, intimidating, threatening, discriminatory, or harassing nature because of an individual's good faith complaint, participation in the investigation, testifying, or resolution of discriminatory or harassing conduct based on an individual's race, color, national origin, ancestry, religion, sex, sexual orientation, gender identity, disability, age, genetic information, or any other characteristic that is protected by law.

Sexual harassment: is defined as unwelcome conduct of a sexual nature or based upon sex when a) benefits or decisions are implicitly or explicitly conditioned upon submission to, or consequence is applied for refusing to comply with, unwelcome sexual advances, requests for sexual favors or conduct of a sexual nature; or b) the work environment becomes permeated with intimidation, ridicule or insult that is based on sex or is sexual in nature and that is sufficiently severe or pervasive enough to alter the conditions of participation in JCHC's programs and activities or the conditions of employment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Legitimate, non-sexual physical conduct necessary to avoid physical harm to persons or property, to console an individual, or spontaneous movement during a sporting activity is not sexual harassment. Depending on the circumstances and application of the definitions immediately above in this provision, examples of conduct which may or may not constitute sexual harassment, include, but are not limited to:

- sexual advances;
- request for sexual favors;
- threatening an individual for not agreeing to submit to sexual advancement;
- sexually motivated touching of an individual's intimate parts;
- coercing, forcing, or attempting to coerce or force the touching of an individual's intimate parts;
- display of drawings, graffiti, cartoons, pictures, symbols or other written material of a sexual nature;
- sexual gestures;
- sexual or dirty jokes;
- sexually provocative or explicit speech;

- communications about or rating an individual as to his/her body, sexual activity, or performance; and
- verbal abuse of a sexual nature.

Section 3. INFORMAL COMPLAINT PROCEDURES. Anyone may use informal procedures to report and resolve complaints of harassment, discrimination, and retaliation. If a staff member receives an informal complaint of harassment, discrimination, and/or retaliation and the complaint cannot be resolved informally, the staff member shall inform their supervisor. The supervisor may attempt to resolve the matter informally and should inform complainants of this provision. Informal complaints may become formal complaints at the request of the complainant. Supervisors shall provide information to the Compliance Officer on a regular basis about complaints reported and resolved through the informal process.

Section 4. FORMAL COMPLAINT PROCEDURES. When a formal complaint is filed with a Compliance Officer, the investigation and complaint process detailed below will be used, including a possible determination by the Compliance Officer that the incident has been appropriately addressed through the informal process. Reports of discrimination, harassment and/or related retaliation must contain as much specific information as possible to allow for proper assessment of the nature, extent and urgency of preliminary investigative procedures.

In the event informal procedures are ineffective, the complainant may make a formal complaint by filing a written complaint with the Board's Compliance Officer. In the event the complaint is against a Director-Level employee (Director or Deputy Director), or a Trustee, the employee may file his or her complaint directly with the Chairperson of the Board, who will refer such complaint to the Personnel Committee.

At any step in the formal resolution process, where appropriate, JCHC will take interim measures to protect the complainant or alleged victim before the final outcome of the investigation. Additionally, JCHC (through the Personnel Committee) may appoint an outside investigator at any step of the informal or formal resolution process. A subordinate shall not investigate his/her supervisor.

All formal complaints will be in writing and will set forth the specific acts, conditions or circumstances alleged to have occurred and to constitute harassment, discrimination or retaliation. The Compliance Officer may draft the complaint based on the report of the complainant for the complainant to review and approve. The Compliance Officer may also conclude that the Board needs to conduct an investigation based on information in his or her possession, regardless of the complainant's interest in filing a formal complaint.

The Compliance Officer (or Personnel Committee, in the event the subject is a Director-Level employee or a Trustee) will receive and investigate all formal, written complaints of harassment, discrimination or retaliation or will investigate if information in the Officer's possession leads them to believe further investigation is required. The

Compliance Officer will delegate his or her authority to participate in this process if such action is necessary to avoid any potential conflicts of interest.

Investigations will be carried out in a manner that is adequate in scope, reliability and impartiality. During the investigation process, the complainant and accused party or parties, if the complainant has identified an accused party, will have an opportunity to identify witnesses and present relevant evidence. When the investigation is completed, the Compliance Officer will compile a written report of the investigation. The report may include a recommendation of appropriate action to remedy the allegations included in the complaint. The Compliance Officer will forward the report and recommendations to the Director. If a Director-level employee or Trustee is the subject of the complaint, the report and recommendations will be forwarded to the Personnel Committee.

Excepting in circumstances in which the subject is a Director-Level employee or Trustee, the Director will review the report completed by the Compliance Officer. The Director will respond in writing with a Letter of Outcome to the complainant and the accused party within thirty (30) calendar days of the Compliance Officer's receipt of the written complaint, unless otherwise agreed to by the complainant or if circumstances related to the complaint require an extension of the time limit. In the event an extension is needed, the Board will notify the complainant in writing of the reason for the extension and the anticipated response date. The Letter of Outcome will include a statement of the outcome of the investigation including whether a preponderance of the evidence establishes that harassment, discrimination, and/or retaliation occurred in violation of this provision. If a violation is found to have occurred, the assurance that JCHC will take steps to prevent recurrence and remedy its effects on the complainant and others, if appropriate must be included. If no violation was found to have occurred, the Letter of Outcome must provide the complainant notice of the right to appeal to the Board of Trustees and the necessary filing information.

Any corrective measures deemed necessary will be instituted as promptly as reasonable.

If the Director is the subject of the complaint, the actions set forth herein to be completed by the Director will be completed by the Board Chairperson.

The complainant or accused party may appeal to the Board of Trustees by filing a written notice of appeal with the secretary of the Board within ten (10) calendar days following receipt of the Letter of Outcome. On receipt of the written appeal, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting, unless otherwise agreed to by the complainant and the Director or for good cause. The Parties will be allowed to provide comment and information as the Board deems relevant and material. Unless otherwise agreed to by the appealing party, the Board will provide written notice of its determination within thirty (30) calendar days following the filing of the notice of appeal and provide the appealing party with a copy

of the determination.

Section 5. INTERIM MEASURES DURING AN INVESTIATION. Appropriate interim measures will be offered and may include, but are not limited to, physical separation, contact limitations, reassignment, alternative work or assignments, altering assignments, additional supervision, counseling, training, warning, conferences, exclusion and employee suspension pending an investigation as permitted by the Board's policies and law. Additional interim measures to prevent retaliation may include, but are not limited to, notification of the retaliation prohibition, confirming the individual knows how to report retaliation, and follow- up contact.

Section 6. DISCIPLINE. JCHC will take prompt, effective and appropriate action to address substantiated discrimination, harassment or retaliation, prevent its recurrence and remedy its effects. Engaging in harassment, discrimination, and/or retaliation will result in appropriate discipline or other appropriate sanctions against offending staff, Board Trustees or other third parties involved in JCHC activities. Anyone else who engages in harassment, discrimination, and retaliation on Board property or at JCHC activities will have their access to Board property and activities restricted, as appropriate.

Section 7. PROHIBITION ON RETALIATION. The Board will take action to protect a complainant or persons subjected to discrimination, harassment, or retaliation as necessary during the course of an investigation.

Section 8. CONFIDENTIALITY. JCHC will respect the privacy of the complainant, the individuals against whom the complaint is filed, and the witnesses to the extent possible, consistent with applicable law, JCHC's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. However, pursuant to JCHC's discretion, information may be disclosed, if necessary, to aid in the investigation, resolution, or appeal of the complaint.

SO ADOPTED this 30th day of November, 2023, by a majority vote of the Board of Trustees of the Jefferson County Health Center.



Chairman



Secretary-Treasurer