

# **MxV Rail Program Beneficiaries Discrimination Policy and Complaint Process**

Below outlines the basic process for receiving and responding to complaints of discrimination from program beneficiaries (e.g., program participants, clients, customers, or consumers, etc.).

## **Equal Employment Opportunity (EEO) Principles**

It is the policy of MxV Rail to be fair and impartial in all of its relations with its program beneficiaries without regard to marital status, race, color, religion, national origin, age, sex (including pregnancy), genetic information, disability, veteran status, gender, gender identity expression, sexual orientation, intersectionality of sex with race and ethnicity, marital status, or other protected status under applicable laws. This policy applies to program registration, training and participation. Harassment and discrimination of program beneficiaries on the basis of any of these protected characteristics is also prohibited.

The intention behind this policy is to provide for an equal employment opportunity program that will simultaneously serve the requirements of society, the law, sound business practices, and individual dignity. Further, it is the policy of MxV Rail to undertake affirmative action in compliance with federal, state, and local requirements.

## **Prohibition of Discrimination**

As an equal opportunity employer, MxV Rail is dedicated to non-discrimination in every aspect as a Department of Homeland Security program recipient. No program beneficiary is to be discriminated against because of race, religion, color, sex, sexual orientation, gender identity, gender identity expression (transgendered persons), age, national origin, disability, marital status, veteran status, or any other legally protected characteristic. This policy applies to all terms, conditions, and privileges including, but not limited to, program registration, training and participation. MxV Rail's People Operations is responsible for overseeing the formulation, implementation, coordination, and monitoring of all efforts in the area of equal employment opportunity.

## **Anti-Harassment**

MxV Rail strives to foster an environment free of discrimination, intimidation, and insult arising out of any protected category mentioned above. MxV Rail prohibits any program beneficiary, customer, client, or other visitor from making unwelcome and unsolicited sexual advances or engaging in other verbal or physical conduct of a sexual nature, when an individual's submission to that conduct is made explicitly or implicitly a term or condition of that individual's program participation, or when that conduct creates an intimidating, hostile, or offensive training environment. MxV Rail also prohibits harassment based on any other characteristic protected by law.

The following is a partial list of unwelcome behaviors that may be considered harassment:

- Verbal/written conduct, such as racial , ethnic or other such epithets; derogatory jokes, or comments; slurs or ridicule of another’s culture, accent, or appearance; sexual innuendo, sexually suggestive “kidding or teasing,” jokes or teasing about protected class characteristics; unwanted sexual overtures or comments; inquiries or discussions concerning one’s sexual experiences; comments about an individual’s body; threatening, intimidating, or abusive words or acts; rumors, whistling, propositions, or innuendo.
- Visual/graphic/non-verbal conduct, such as derogatory and/or sexually oriented posters, photography, cartoons, drawings, gestures, signs, computer transmissions, displays of offensive objects, or graffiti.
- Physical conduct such as unwanted touching, hugging, kissing, patting, pinching, assault, impeding access, or intentional brushing up against the body of another program beneficiary.
- Threats or demands to submit to sexual requests as a condition of continued program participation or to avoid a loss of benefits or offers of benefits in return for sexual favors.
- Retaliation for having reported or threatened to report harassment.

This policy applies to conduct occurring during program participation.

## **Complaint Procedure**

Any individual who believes he or she has been subject to discrimination, intimidation, hostile or offensive comments or conduct, or harassment in any form by any program trainer, program beneficiary, customer, client, or other visitor, as well as any person who becomes aware of such conduct, MUST report the problem immediately, but no later than 180 days after the date of the alleged discrimination, to the People Operation’s Manager. Complaints can be submitted in-person, in a letter, in an email or over the phone. If the individual would rather discuss the problem with MxV Rail’s General Counsel, may contact MxV Rail’s General Counsel, Kathryn Kirmayer, at (202) 639-2508. Program beneficiaries also have the option to file a complaint directly with the U.S. Department of Homeland Security Office for Civil Right and Civil Liberties (CRCL):

**E-mail:** [CRCLCompliance@hq.dhs.gov](mailto:CRCLCompliance@hq.dhs.gov) (fastest method to submit your complaint)

**Fax:** 202-401-4708

**U.S. Mail:**

U.S. Department of Homeland Security  
Office for Civil Rights and Civil Liberties  
Compliance Branch, Mail Stop #0190  
2707 Martin Luther King, Jr. Ave., SE  
Washington, D.C. 20528

Website for additional information: <https://www.dhs.gov/file-civil-rights-complaint>

## **Investigations of Complaints**

MxV Rail People Operation's Manager will promptly investigate all complaints of violations of this policy. The investigation may include interviews (by phone, in-person, or by email) with the parties who are directly involved and possibly with others. Confidentiality will be maintained to the fullest extent possible, consistent with a thorough investigation. It is the duty of every program beneficiary to cooperate in any investigation into alleged violations of MxV Rail's Program Beneficiaries Discrimination Policy and Complaint Process.

Ideally investigations are to be completed within thirty (30) days after receipt of the complaint. MxV Rail People Operation's Manager will acknowledge receipt of the complaint within ten (10) days. MxV Rail People Operation's will track complaints received on a spreadsheet to include the status of each complaint.

The MxV Rail People Operation's Manager has the right to ask the program beneficiary whether the individual has filed the complaint with another agency, such as the CRCL, in order to prevent duplicative investigation. If the program participant has submitted the dual filings, MxV Rail People Operation's Manager will contact the relevant agency to determine a coordinated approach.

### **Disciplinary Action**

Any program beneficiary who is found to have engaged in conduct that violates this policy will be subject to program suspension or dismissal from the program. Any visitor, vendor, or client who is found to have engaged in conduct that violates this policy will be subject to appropriate action, up to and including termination of services or client relationship.

### **Prohibition on Retaliation**

MxV Rail prohibits any kind of retaliatory act against an individual who has complained about discrimination or harassment. Any program beneficiary who receives reports of such conduct or otherwise becomes aware of such conduct and fails to report it will be subject to disciplinary action. MxV Rail will conduct a prompt and thorough investigation of the circumstances surrounding alleged incidents. MxV Rail will make reasonable efforts to keep the investigation confidential. Confidentiality will be maintained to the fullest extent possible and permitted by law, consistent with a thorough and impartial investigation. If the investigation indicates that an individual has committed an act of retaliation, discrimination, or harassment, that individual will be subject to appropriate disciplinary action, up to and including dismissal from the program.

### **Reasonable Accommodation**

Information and services for persons with disabilities and persons with limited English proficiency or program beneficiaries desiring accommodations should contact the MxV Rail People Operation's Office:

Tel: 719-696-0873

Email: [PeopleOperations@aar.com](mailto:PeopleOperations@aar.com)

Mailing address: 350 Keeler Parkway Pueblo, CO 81001