

FACT SHEET: Protecting Individuals from Discrimination on the Basis of Gender-Based Violence

The role of the Civil Rights Center at the Department of Labor

The Civil Rights Center (CRC) at the Department of Labor (DOL) assesses, investigates, and adjudicates discrimination complaints and conducts compliance reviews to administer and enforce equal opportunity laws. CRC enforces several legal authorities that protect individuals from discrimination, including the following:

- Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 et seq.
- DOL’s regulations implementing Title IX at 29 C.F.R. part 36
- Section 188 of the Workforce Innovation and Opportunity Act (WIOA), 29 U.S.C. § 3248
- DOL’s regulations implementing WIOA Section 188 at 29 C.F.R. part 38

These legal authorities apply to the public workforce system and other entities that receive federal financial assistance under Title I of the Workforce Innovation and Opportunity Act (WIOA), as well as education and training programs and activities receiving Department of Labor (DOL) financial assistance, which are referred to as “recipients.” This fact sheet describes ways these legal authorities protect individuals from discrimination on the basis of gender-based violence, which may be a form of unlawful sex discrimination.

What is gender-based violence?

- The term “gender-based violence” generally refers to any harmful threat or act that is directed at an individual or group based on their sex or disproportionately affects people based on their sex (including gender identity and sexual orientation).
- Gender-based violence is a broad term that encompasses physical, sexual, psychological, emotional, economic, and technological abuse or harm; threats of such acts; harassment; coercion; and arbitrary deprivation of liberty. Examples of gender-based violence include intimate partner violence, dating violence, sexual assault, stalking, and other forms of sex-based harassment.
- While gender-based violence can impact anyone, women and girls, as well as lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons, are disproportionately impacted.

How might gender-based violence occur in federally funded programs and activities?

- When gender-based violence occurs in connection with participation in federally funded programs and activities, it may be a form of sex discrimination prohibited by the statutes listed above and therefore within CRC’s authority to investigate. Gender-based violence is within CRC’s authority to investigate if it occurs in connection with participation in federally funded programs or activities as well as if it occurs outside the context of federally funded programs in certain instances, as described below.
- Gender-based violence may occur in connection with participation in federally funded programs or activities, for example, when:
 - Engaging in activities in offsite locations;
 - Taking breaks, such as in break rooms or between classes;
 - Communicating online, such as through email, social media, or other virtual platforms;

- Traveling in a vehicle, such as between program sites;
- Living in program-sponsored housing; or
- Interacting with coworkers or customers, such as in work-based learning programs.
- Gender-based violence that takes place outside the context of federally funded programs and activities (in other words, in one's personal or private life) can also have spillover effects, potentially affecting a participant's performance, attendance, or ability to access or participate in federally funded programs and activities. If a federally funded program or activity considers this information in a manner that adversely affects the participant's ability to participate, the program or activity may be engaging in sex-based discrimination.

What are recipients' obligations to prevent and address gender-based violence and discrimination based on gender-based violence?

- Recipients are prohibited from discriminating on the basis of sex and sex stereotypes, including, for example, making a decision about participation in a program or activity by an individual who is a victim of domestic violence based on a sex-stereotypical belief that they would disrupt the program or activity and/or may be unable to access any aid, benefit, service, or training because of the violence they are experiencing or previously experienced.
- Recipients are required to notify applicants, participants, beneficiaries, and employees about their rights under nondiscrimination and equal opportunity laws.
- Recipients must have procedures in place for individuals to file complaints of sex discrimination internally, including complaints that gender-based violence occurred in their program or activity. The complaint procedures must be prominently displayed in a conspicuous physical location as well as being made available online.
- Recipients must respond promptly and effectively to complaints of sex discrimination, including complaints of gender-based violence, occurring in their covered programs and activities. Among other requirements, recipients must investigate the circumstances underlying the complaint; attempt to resolve the complaint; and, within 90 days of the date on which the complaint was filed, issue a written Notice of Final Action, which must include notice that the complainant has a right to file a complaint with CRC within 30 days of receipt of the Notice of Final Action.
 - When investigating allegations of gender-based violence and related forms of discrimination, Equal Opportunity Officers and others with related responsibilities should interact with complainants, witnesses, and alleged victims in a trauma-informed manner that recognize the stresses of actual and perceived gender-based violence and discrimination while pursuing neutral and objective investigative inquiries. Every recipient except small recipients and service providers must designate a recipient-level Equal Opportunity Officer.
- If gender-based violence occurs in a covered program or activity, the recipient that provides the program or activity must take immediate action to eliminate the gender-based violence, prevent its recurrence, and address its effects.
- Recipients are prohibited by law from retaliating against individuals because they filed a complaint, testified, or participated in any manner in an investigation or other equal opportunity proceeding. Recipients also must take appropriate steps to prevent such retaliation.

Examples of incidents that could raise Title IX and/or WIOA Section 188 concerns

A student in a covered residential job training program reports to the program’s health staff that she has been sexually assaulted by another student. The program’s health staff fail to conduct a medical examination of the victim, to provide her with medication to treat sexually transmitted diseases, or to offer follow-up counseling for her. Instead, the program center sends both students home on unpaid administrative leave pending the outcome of its investigation of the alleged incident of sexual violence.

A participant in a covered reentry program tells the career counselor that she has experienced intimate partner violence and is interested in pursuing a career in social work. The counselor refuses to connect her with training resources, stating that the participant is not suited for a career in social work if she cannot even take care of her own “family problems.”

A participant requests the day off from his covered on-the-job training program because he needs to move into a shelter immediately to escape violence from his partner. The program tells him not to bother coming back to work at all, saying the employee must be lying because “someone like you” would obviously not be a victim of intimate partner violence.

A participant in a covered job training program tells her instructor that her former boyfriend, a participant in the same training program, has started stalking her online. The participant tells her instructor that she is afraid to continue her training because of the threatening emails he is sending her. The instructor tells the participant there’s nothing she can do because the conduct is occurring outside the program.

A participant in a covered program offered by an eligible training provider advises her program counselor that she recently moved into a domestic violence shelter with her small children and requests to shift her evening class schedule to comply with the shelter’s curfew requirements. The counselor declines the participant’s request despite having granted other participants’ requests for alternate course schedules, stating, “Sorry, I can’t give you special treatment based on what’s happening in your personal life, and anyway, as a mother, you should really be focusing on your children right now.”

What can a person do if they experience gender-based violence or discrimination based on gender-based violence in a program or activity funded by DOL?

Anyone who believes that discriminatory actions have been taken in a covered program or activity may file a complaint with CRC. For more information about filing a complaint, please visit www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm.

For assistance and additional resources, please visit CRC’s homepage at www.dol.gov/oasam/programs/crc/, or contact CRC by phone at 202-693-6502 or by email at CRCEXternalComplaints@dol.gov. If you are deaf, hard of hearing, or have a speech disability, please dial 7-1-1 to access telecommunications relay services.

Please note that this resource does not have the force and effect of law. CRC’s authority to enforce Title IX and WIOA Section 188 comes from the statutes and their implementing regulations.