

## **ANTI-HARASSMENT**

### **1.0 Introduction**

It is the policy and practice of the City to provide a professional working environment for its employees so that they may carry out their duties in productive and positive surroundings. A professional work environment includes, at a minimum, a workplace that is free of unlawful harassment. But the City's policy goes further. Any conduct of a harassing nature that adversely affects the work environment is unacceptable, even if that conduct does not rise to the level of being unlawful.

Actions, words, jokes or comments based on an individual's race, color, religion, sex, sexual orientation, national origin, citizenship, ancestry, age, marital status, military status, veteran status, disability, genetic information or other legally protected characteristic will not be tolerated. Harassment of the City's employees by non-employees, such as residents, public officials, suppliers and vendors, contractors and other third parties with whom our employees interact while performing their job duties, also is strictly prohibited.

Harassment does not include the reasonable statements and actions of supervisors and other managerial level employees intended to provide performance feedback or corrective action, such as performance evaluations, deficiency notices, warnings, counselings, reprimands, performance improvement plans and other actions intended to promote desired work performance.

### **2.0 Scope**

This policy applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether public officials, managers, supervisors, fellow employees, or other non-employees (such as vendors, suppliers, business invitees, contractors or residents of the City) commit it. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, discharge, leaves of absence, and access to benefits and training.

All employees are responsible for cooperating in any investigation of alleged harassment, and for participating in periodic training regarding this policy.

The City is committed to vigorously enforcing its policy against harassment at all levels. All employees must conduct themselves in a way that ensures they do not engage in acts of harassment. All supervisors and managers are responsible for making sure that the employees who report to them are aware of this policy, ensuring that their personnel decisions comply with this policy, and taking corrective actions (after consultation with the Director of Human Resources) when inappropriate behavior occurs.

### **3.0 Forms of Harassment**

#### **3.1 Sexual Harassment**

"Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or

(3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sexes.

The following *non-exclusive* list sets forth examples of the conduct that violate the City's policy against sexual harassment:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or other unwelcome physical contact (*e.g.*, touching, pinching, patting, grabbing, rubbing or brushing against another employee's body);
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually-oriented gestures, sounds, remarks, jokes or comments about a person's sex, sexuality or sexual experiences;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; or subjecting or threatening to subject an employee to more onerous terms or conditions of employment because of that employee's sex or rejection of sexual advances, propositions or comments; and
- Sexual or discriminatory displays or publications anywhere in the workplace, such as displays of pictures, posters, calendars, graffiti, objects, books or other materials that are sexually suggestive, demeaning or pornographic.
- Sexually explicit letters, memos, poems, instant messages, texts, e-mail or voice-mail messages.
- Repeated requests for dates.

### **3.2 Other Forms of Harassment**

The City prohibits slurs or other verbal or physical conduct, relating to an individual's race, color, religion, sex, sexual orientation, national origin, citizenship, ancestry, age, marital status, military status, veteran status, disability, genetic information or other legally protected characteristic when

1. such conduct may have the purpose or effect of unreasonably interfering with an individual's work performance; or
2. such conduct may have the purpose or effect of creating an intimidating, hostile, or offensive working environment working environment.

## **4.0 Reporting and Investigating Alleged Harassment**

### **4.1 Harassment Complaints**

If an employee observes or experiences any job-related harassment or believes that he or she has been treated in an unlawful or discriminatory manner, the employee should promptly report the incident, preferably in writing. Such incident should be reported either:

1. to his or her supervisor or anyone higher in the chain-of-command, who shall promptly report the matter to the Director of Human Resources; or

2. the employee report it directly to the Director of Human Resources; or
3. if the Director of Human Resources is the subject of the complaint or the employee believes that it would be inappropriate to communicate with the Director of Human Resources, the employee should report the incident to the City Manager. (In this event, each step of this policy that would involve the Director of Human Resources will be instead performed by the City Manager or by a person designated by the City Manager); or
4. if the City Manager is the subject of the complaint, the employee should report the incident to the Mayor.

The Director of Human Resources shall conduct or shall designate a qualified person to conduct an objective and impartial investigation of the allegations of a complaint, which investigation will be made as soon as practicable. Consistent with the need to conduct a thorough and complete investigation, to the extent practicable, confidentiality will be maintained. If the investigation leads to a determination that a complaint is well-grounded and true, appropriate corrective action shall be taken. This may include discharge or other discipline of the guilty employee. In the case of unlawful harassment by a non-employee, the company will notify the person of the company's policy against harassment and take such other action as may be appropriate under the circumstances. If the complaint is not substantiated, the matter will be closed. In either case, however, the complaining employee will be advised of the results of the investigation and the decision reached by the City.

#### **4.2 Retaliation Complaints**

It is City policy that no adverse action shall be taken against any employee for resisting or making a good faith report of harassment, filing a complaint or charge, or participating in any related investigation or proceeding. If an employee believes that he or she has been retaliated against for resisting or reporting harassment, the employee should report such retaliation in the same manner as set forth above for employees who have complaints of harassment. The same procedures will be followed in investigating and responding to such reports.

#### **5.0 Malicious Accusations**

Malicious accusations of harassment can have serious effects on innocent persons. Malicious accusations are accusations of harassment that were known by the accuser to be false. Malicious accusations of harassment do not refer to charges made in good faith that cannot be proven or are deemed unfounded. If an investigation results in a finding that a person who has accused another of harassment has maliciously made the accusations, the accuser will be subject to discipline, up to and including immediate termination.

#### **6.0 Discipline**

Any employee who is determined, after an investigation, to have engaged in conduct that violates this policy will be subject to disciplinary action up to and including termination. If any public official engages in conduct that violates this policy, appropriate remedial and corrective action shall be taken with respect to that individual. In the case of unlawful harassment by any other non-employee, the City will notify the person of the City's policy against harassment and take such other action as may be appropriate under the circumstances.

## 7.0 External Procedures

The City is committed to promptly responding to and resolving sexual or other harassment complaints in a prompt and fair manner. It is hoped that such complaints of sexual or other harassment can be resolved within the City through the internal procedures outlined above. All City employees, however, have the right to file formal harassment charges with the Illinois Department of Human Rights (“IDHR”) and/or the United States Equal Employment Opportunity Commission (“EEOC”). Such charges must be filed within a certain time period, usually within 300 days of the alleged harassing incident, if filed with the IDHR or the EEOC. Under certain circumstances, these deadlines may be extended for continuing offenses under applicable law.

It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC. An employee who feels that she or he has been retaliated against after filing a charge with the IDHR or EEOC has 300 days (IDHR & EEOC) from the alleged retaliation to file a retaliation charge. To contact the IDHR write or call its Chicago or Springfield office. To contact the EEOC, write or call its Chicago office.

**Illinois Department of Human Rights**  
217/785-5100 Springfield  
312/814-6200 Chicago

**Illinois Human Rights Commission**  
217/785-4350 Springfield  
312/814-6269 Chicago

**Equal Employment Opportunity Commission**  
800/669-4000

## 8.0 Distribution

Employee Information Site, [www.citylf.org](http://www.citylf.org).



Jason Wicha  
City Manager