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| Policy 7.4 | Harassment | | |
| <u>Effective Date:</u> 9/14/10 | <u>Applicable Law/Statute:</u> 5 ILCS 430/5-5 | <u>Source Doc/Dept.:</u> None/HR | <u>Authorizing I.C. Sec:</u> None |
| <u>Last Amended Date:</u> 2/28/12, 1/9/18 | | | |

HARASSMENT

7.4

POLICY

DuPage County is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices.

It is the policy of DuPage County to comply with local, state and federal anti-discrimination laws, and to provide a workplace free of discrimination and harassment based on race, color, religion, age, sex, national origin, familial status, disability, sexual orientation, gender identity, status as a veteran, order of protection status, or any other protected class. In keeping with this commitment, we will not tolerate harassment of employees by anyone, including any manager, coworker, vendor, resident, contractual staff or citizen.

ELIGIBILITY

- All employees under County Board Jurisdiction regardless of employment status.

GUIDELINES

- A. Sexual Harassment** constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment includes, but is not limited to:
1. Unwelcome sexual advances, requests for sexual acts or favors, or other verbal or physical conduct of a sexual nature
 2. Any statement or implication that an individual's submission to or rejection of such sexual conduct could be used as a condition of employment, or as the basis for any employment decision affecting such individual; and
 3. Any conduct, whether physical or verbal, which has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. This includes, but is not limited to: slurs, jokes or degrading comments of a sexual nature; offensive sexual flirtation,

sexual advances or propositions; abuse of a sexual nature; graphic verbal comments about an individual's body; sexual innuendo or suggestive comments; sexually oriented "kidding" or "teasing"; unwanted physical touching, such as patting or pinching another's body; sending, forwarding or soliciting sexually suggestive letters, notes, emails, or images; and the display in the workplace of sexually suggestive printed or visual materials, clothing, objects or pictures.

- B.** Sexual Harassment may include a range of subtle to obvious behaviors and may involve individuals of the same or different gender.
- C. Harassment** based on other protected classes is also strictly prohibited. Under this policy, harassment is defined as verbal or physical conduct that demeans or shows hostility or aversion toward an individual because of their race, color, religion, sex, sexual orientation, gender identity, order of protection status, national origin, age, disability, marital status, citizenship or any other characteristic protected by law, and that:
 - 1. Has the effect of creating an intimidating, hostile or offensive work environment
 - 2. Has the effect of unreasonably interfering with an individual's work performance
 - 3. Otherwise adversely affects an individual's employment opportunities
- D.** Harassment includes, but is not limited to: epithets, slang, nicknames, slurs, negative stereotyping, threatening, intimidating or hostile acts, denigrating jokes, and written or graphic material or material that is transmitted electronically that demeans or shows hostility or aversion toward an individual or group.

PROCEDURES

- A.** Every employee must end and/or avoid any conduct that reasonably could be interpreted as discrimination or harassment under this policy, even if such conduct was not intended as offensive. Conversely, employees are expected and encouraged to inform others in the workplace whenever conduct is unwelcome, offensive or in poor taste.
- B.** DuPage County expects the immediate reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position, or the perceived severity of the incident. Individuals who believe that they have been subjected to harassment (or who have reason to believe that someone else has been subjected to harassment) should discuss their concerns with any County Supervisor, Department Head or Human Resources Representative immediately. The employee may prepare a statement in writing, and/ or be prepared to discuss the following:
 - 1. The name, department, and position of the person or persons allegedly causing the harassment.
 - 2. A description of the incident(s) including the date(s), location(s), the presence of witnesses, and the names of other employees who might have been subject to the

same or similar harassment.

3. The alleged effect of the incident(s) on the complainant's position.
 4. The steps the complainant has taken to try to stop the harassment.
 5. Any other information the complainant believes to be relevant to the harassment complaint.
- C. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by the Human Resources Department. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.
1. Confidentiality will be maintained throughout the investigative process to the greatest extent possible.
 2. Anonymous complaints will be accepted; however, the County may be limited in its options in investigating or resolving anonymous complaints due to a limited ability to collect additional information.
 3. Appropriate action, which may include disciplinary action, not to exclude termination, will be taken against any employee found to have engaged in the harassment of any other employee in the workplace in accordance with (Policy 10.1: Disciplinary Guidelines). If an employee is concerned about behavior or harassment by another employee that occurs outside of the workplace, they will be encouraged to contact appropriate law enforcement officials.
 4. Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, not to exclude termination. Acts of retaliation should be reported immediately and will be promptly investigated and addressed. An individual may also file a claim of retaliation pursuant to the State Officials and Employees Ethics Act (5 ILCS 430/15-10), the Whistleblower Act 740 ILCS 174/15(a), or the Illinois Human Rights Act (775 ILCS 5/6-101)).
 5. Failure of an employee or supervisor to cooperate with an investigation of harassment, or refusal to comply with disciplinary action resulting from an investigation of harassment may be subject to further disciplinary action, not to exclude termination.
 6. A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be

subject to discipline or discharge pursuant to applicable policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

An employee who believes s/he has been subjected to sexual harassment has the right to file a complaint with the Illinois Department of Human Rights, 100 West Randolph Street, 10th Floor, Intake Unit, Chicago, Illinois 60601; (312) 814-6200; (217) 785-5125 (TTY) and/or the Equal Employment Opportunity Commission, JCK Federal Building, 230 S. Dearborn Street, Suite 1866 (18th Floor), Chicago, IL 60604; Chicago Toll Free (866) 408-8075; EEOC Public Portal: publicportal.eeoc.gov. The Illinois Human Rights Act provides that complaints of harassment must be filed within 180 days of the alleged incident. A complaint with the EEOC must be filed within 300 days of the alleged incident. It is also a violation of section 6-101 of the Illinois Human Rights Act to retaliate against an employee for opposing or complaining about conduct believed to be a violation of the Act.