



DATE: October 5, 2020
MEMO TO: Terry Wilke, Chair
Finance Committee
FROM: Mary E. Kann
Director of Administration

RECOMMENDATION: Approve an amendment to the Procedures Section of the District’s Personnel Policies & Procedures 8.7 – Harassment.

STRATEGIC DIRECTION SUPPORTED: Leadership

FINANCIAL DATA: There is no immediate financial impact.

BACKGROUND: To ensure a positive workplace of mutual respect, aligning with the organizational core values, staff recommends that the District take the proactive approach of adding bullying as a form of workplace harassment. This continues to set the expectation that all our employees are entitled to a respectful and supportive work environment.

Therefore, it is the recommendation of staff that the Procedures Section of the District’s Personnel Policies & Procedures 8.7 – Harassment be amended to include “Workplace Bullying” as a form of harassment.

REVIEW BY OTHERS: Chief Operations Officer, Director of Finance, Manager of Human Resources & Risk, Corporate Counsel.

MOTION: Motion to amend the Procedures Section of Personnel Policy 8.7 – Harassment, in the form attached to staff’s October 5, 2020 memorandum.

APPROVAL:

Date: _____ Roll Call Vote: Ayes: _____ Nays: _____
 Voice Vote Majority Ayes; Nays: _____



8.7 Harassment

Effective Date: April 15, 1983

Revision Date: June 19, 1987, April 21, 1995, May 19, 2000, June 21, 2002, October 14, 2005, April 9, 2013, December 7, 2017, March 8, 2018, January 10, 2019, February 11, 2020.

October 5, 2020

Procedure

If you believe that you have been harassed sexually or otherwise, you should report the incident(s) immediately to a Manager or Director. The District will take all reasonable steps to assure that any harassment that may be determined to exist will be eliminated.

Sexual harassment according to the federal and state law is defined as:

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 work environment.

Specific behaviors that the District will consider sexual harassment include but are not limited to the following:

1. Unwelcome sexual jokes, pressuring a subordinate to go out on a date, sexual innuendos, gender-specific insults, inappropriate references to anatomy, or threats whether spoken or written.
2. Suggestive or insulting sounds, (e.g. whistling, "catcalls,") or suggestive bodily gestures.
3. Showing or displaying pornographic or sexually explicit objects, pictures or other materials in the workplace
4. Unwelcome touching, hugging, kissing, pinching or intentionally brushing the body; coerced sexual conduct; or actual assault.
5. Any statement or action indicating that job status, compensation, job assignments, or other conditions of employment are dependent upon granting or refusing sexual favors.

Other protected classes:

Racial

Disability

Age

National origin

Gender

Religion

Marital status

Sexual orientation

Order of Protection status



Specific behaviors that the District will consider harassment based on a protected status include but are not limited to the following:

1. Making offensive slurs, epithets or jokes based on any of the above protected classes;
2. circulating offensive literature or other biased printed material; or
3. otherwise creating an environment that is hostile to a worker or workers based on the above protected classes.

Bullying:

Workplace bullying by District employees is a form of harassment. District employees shall not engage in workplace bullying, which includes but is not limited to:

- Oral or written (including by electronic means) bullying, which includes but is not limited to, oral or written statements by a District employee to another District employee that (i) defame, ridicule, or malign the latter employee or their family; (ii) include persistent name-calling that is hurtful, insulting, or humiliating to the latter employee; (iii) use the latter employee as a target of jokes; or (iv) include abusive remarks toward the latter employee.
- Gesture bullying, which includes non-verbal threatening or harassing gestures made by a District employee toward another District employee.
- Exclusion: socially or physically excluding or disregarding a person in work-related activities for non-work-related reasons.

Any District employee, who believes he has been harassed, or observes an incident of harassment, must promptly report it to a supervisor, who shall report it to the Director of Administration. If the employee does not feel that the incident can be discussed with his or her direct supervisor, the incident should be reported to the Department Director or the Director of Administration. All incidents or complaints of harassment must be reported even in the event the employee does not want to make a formal complaint. The employee may also contact Human Resources, the Inspector General or the Illinois Department of Human Rights.

The employee should contact the Director of Administration if he or she is not satisfied with the way the report of harassment has been handled. Employees may report harassment and raise concerns without fear of reprisal. The District will not tolerate any retaliation against an employee for filing a sexual or other harassment complaint. Employees who report harassment are protected under the Illinois Administrative Procedure Act, the Whistleblower Act and the Illinois Human Rights Act.

Upon receipt of the complaint, the District shall take prompt, thorough and impartial steps to investigate the complaint. Following the investigation of the complaint, which will be commenced immediately unless clear evidence makes an investigation unnecessary, the District will weigh the facts and decide on the validity of the complaint. If the complaint is determined to be valid, the offender will face immediate and appropriate disciplinary action based on the severity of the incident. Disciplinary action may include warnings, suspensions, discharge or demotion.



The District is committed to responding to harassment complaints in a prompt and fair manner. It is hoped that complaints of harassment can be resolved within the District. However, an employee may also contact the Illinois Department of Human Rights (IDHR) and the Equal Employment Opportunity Commission (EEOC) about filing a formal charge; the Director of Administration can provide an employee with information on how to contact these agencies. In addition, the addresses of these agencies are listed on the attachment to this policy. The IDHR charge must be filed within 300 days of the alleged offense. A complaint with the EEOC must be filed within 300 days. These deadlines may be extended for continuing offenses under law. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after the IDHR has completed its investigation of the complaint. Where the employing entity has an effective sexual harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer. An employee who feels that he has been retaliated against after filing a charge with the IDHR or EEOC has 300 days from the alleged retaliation to file a retaliation charge.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges, such as assault or battery.

FALSE AND FRIVOLOUS COMPLAINTS

Given the seriousness of the consequences for the accused, a false and frivolous charge of harassment is a major offense that can itself result in disciplinary action up to and including discharge. False and frivolous complaints are cases where the accuser is using a harassment complaint to accomplish some end other than stopping the harassment. It does not refer to charges made in good faith that cannot be proven.

ADMINISTRATIVE CONTACTS

Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, IL 60601
Tel. : 312-814-6200

Equal Employment Opportunity Commission
500 West Madison
Suite 2800
Chicago, IL 60661
Tel : 800-669-4000

Illinois Human Rights Commission
100 West Randolph Street
Suite 5-100
Chicago, IL 60601
Tel. : 312-814-6269

If the above contact information changes, the Director of Administration will promptly notify employees via e-mail or other means.