

POLICY PROHIBITING HARASSMENT, DISCRIMINATION AND RETALIATION
(Including Sexual Harassment)

It is the policy of Library to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees be treated with dignity, respect, and courtesy. It will be a violation of Library policy for any employee to harass or discriminate against another individual in the workplace based upon race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information, ancestry, sexual orientation, gender identity, veteran status, military status, marital status, order of protection status or any other protected category as defined by applicable law. The Library will not tolerate harassment of Library employees by anyone, including any supervisor, co-worker, vendor, member, contractor, or other visitor of the Library. Violation of this policy shall be considered grounds for disciplinary action up to and including discharge.

Definition of Sexual Harassment

“Sexual harassment” consists of unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when made by any employee to another employee where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;
2. Submission to or rejection of such conduct is used as the basis for any 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, as defined above, may include, but is not limited to:

1. Uninvited sex-oriented verbal “kidding” or demeaning sexual innuendoes, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature;
2. Graphic or suggestive comments about an individual’s dress or body;
3. Displaying sexually explicit objects, photographs or drawings;
4. Unwelcome touching, such as patting, pinching or constant brushing against another’s body; or
5. Suggesting or demanding sexual involvement of another employee whether or not such suggestion or demand is accompanied by implicit or explicit threats concerning one’s employment status or similar personal concerns.

Definition of Other Harassment

Inappropriate conduct in the workplace, based upon an individual's race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, ancestry, sexual orientation, gender identity, veteran status, military status, marital status, order of protection status, genetic information or any other protected category as defined by applicable law that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to: (a) epithets, slurs, negative stereotyping or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace that shows hostility toward a person or persons because of their protected status.

Procedure for Reporting of Harassment, Discrimination and Retaliation

All Library employees are responsible to help assure we avoid harassment. Any individual who believes he or she has been subjected to harassment or discrimination as prohibited by this policy or who has witnessed harassment or discrimination should submit a written statement to the Director or her designee in accordance with the following complaint procedures. In the event the Director is the alleged harasser/discriminator the complaint should be submitted to the President of the Board of Trustees.

The written statement should state the specific facts and/or perceived wrongful act (e.g., location, names, dates, times) to be investigated. All such written statements should be submitted within thirty (30) days after the incident or act which gives rise to the complaint, unless the time for submission is extended by the Director or her designee because the complainant has shown good cause for such an extension.

In addition, each supervisor must immediately report to the Director, Human Resources Department or a Trustee any complaint or observation of conduct which may violate this Policy. Managers or Trustees who have knowledge of any conduct inconsistent with or prohibited by this Policy and do not report it to one or more of the above are subject to disciplinary action, up to and including termination or reporting Trustees to appropriate authorities.

No exception to the reporting: Please note there are no exceptions to this reporting requirement. There is no friendship exception. Even if the alleged victim or perpetrator of the conduct is a friend, acquaintance, family member, relative or co-worker, each and every employee and Trustee is required to report the incident or complaint, as the case may be.

Investigation Procedure

The Director or her designee shall promptly investigate the complaint. The Director or her designee shall make all reasonable efforts, including but not limited to convening a conference with the complainant, or the accused harasser/discriminator, to discuss the complaint and the results of the investigation, to resolve the matter informally.

If the complainant or the accused is not satisfied with the disposition of the investigation, he/she may submit in writing an appeal to the Board of Trustees who will review the investigation report and make a final decision. At the Board's option, the Board may conduct further investigation, if necessary.

Retaliation

Reporting harassment, discrimination or retaliation or participating in an investigation will not reflect adversely upon an individual's status or affect future employment. Any employee who retaliates against another for exercising their rights under this policy shall be subject to discipline up to and including discharge.

Whistleblower protections and remedies are available under the Whistleblower Act, 740 ILCS 174/1 et. Seq., the State Officials and Employees Ethics Act, 5 ILCS 430/11-1 et Seq., and the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.

Confidentiality

The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the Library's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

False Report

If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate discipline, including the possibility of discharge.

Disciplinary Action

A substantiated charge against an employee will subject the employee to disciplinary action, up to and including discharge.

Resolution Outside Library

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after 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 is suddenly transferred to a lower paying job or passed over for

promotion after filing a complaint with IDHR or EEOC may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Administrative Contacts:

Illinois Department of Human Rights (IDHR)

- Chicago: 312-814-6200 or 800-662-3942; TTY: 866-740-3953
- Springfield: 217-785-5100; TTY: 866-740-3953
- Marion: 618-993-7463; TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

- Chicago: 312-814-6269; TTY: 312-814-4760
- Springfield: 217-785-4350; TTY: 217-557-1500

United States Equal Employment Opportunity Commission (EEOC)

- Chicago: 800-669-4000; TTY: 800-869-8001

Dissemination

The Library shall take reasonable measures to assure that employees are informed of this policy and procedure by inclusion in the Employee Handbook and by posting. A copy is also available in Human Resources.

Policy Revision Log

Approved December 20, 2017 by Resolution #R-214, effective immediately