



5.2 Anti-Harassment / Anti-Discrimination Policy

5.2-01 Statement of Policy

The Village of Bloomingdale is committed to maintaining a work environment which is free from all forms of harassment or discrimination of any kind. In keeping with this commitment, the Village will not tolerate any form of harassment, including sexual harassment, or discrimination of any kind based upon race, color, religion, sex, pregnancy, ancestry, national origin, age, disability, sexual orientation, marital status, citizenship status, or other legally protected group status, by its employees or against its employees by anyone, including supervisors, co-workers, officers, agents, vendors, customers or any third party. This Policy is intended to assure that the Village is taking all steps to prevent harassment and discrimination in the workplace and to correct harassing or discriminatory conduct that does occur before it becomes severe or pervasive.

Each Village officer and employee bears the responsibility to refrain from discrimination or harassment in the workplace. Village employees who engage in discriminatory or harassing conduct may be subject to disciplinary action, up to and including termination of employment. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from harassment or discrimination of any kind.

The Village also prohibits retaliation of any kind against anyone who has complained about discrimination or harassment, whether that concern relates to discrimination against or harassment of the individual raising the concern or against another individual.

5.2-02 Definitions and Prohibited Conduct

A. Sexual Harassment

Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department of Human Rights, and for purposes of this Policy, 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 working environment.

Sexual harassment can occur between men and women, or members of the same gender. This behavior is unacceptable in the work place itself and in other work-related settings such as business trips, court appearances and business-related social events.

Sexual harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

Prohibited acts of sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Examples of conduct that may constitute sexual harassment include

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Textual/Electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

Harassment that does not include sexual activity or language may also constitute discrimination if it is severe or pervasive and directed at employees because of their gender.

B. Non-Sexual Harassment and Discrimination

Non-sexual harassment or discrimination consists of unwelcome conduct of any kind, whether verbal or physical, or disparate treatment affecting an individual's terms and conditions of employment based upon a person's protected status such as race, color, religion, sex (gender), pregnancy, ancestry, national origin, age, physical or mental disability, sexual orientation, marital status, citizenship status, or other legally protected group status.

Harassing conduct (based on other protected categories) includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, instant messaging, texts, Internet or computer usage) because of his or her protected status.

The Village will not tolerate harassing or discriminatory conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates and intimidating, hostile or offensive working environment.

5.2-03 Individuals Covered Under the Policy

This policy protects and covers all employees of the Village of Bloomindale. The Village will not tolerate, condone or allow harassment or discrimination, whether engaged in by fellow employees, supervisors, officers, agents or by other non-employees who conduct business with the Village. The Village requires the reporting of all incidents of harassment and discrimination, regardless of who the offender may be, and will promptly investigate all reported incidents.

5.2-04 Responsibility of Supervisory Employees

Each supervisor is responsible for maintaining the workplace free from harassment and discrimination. This is accomplished by promoting a professional environment and by dealing with harassment and discrimination as with all other forms of employee misconduct. In addition, all supervisors are required to report and direct complaints of harassment or discrimination to their Department Director. A supervisor must address an observed incident of harassment or discrimination or a complaint with seriousness, by taking prompt action to stop the offending behavior, and to report the matter to their Department Director for further investigation and appropriate disciplinary action. Once a supervisor observes or is made aware of behavior that may constitute sexual harassment, or other harassment or

discrimination, they must report it to their Department Director, regardless of whether the employee wants to make a formal complaint. In addition, supervisors must ensure that no retaliation will result against an employee making a complaint of harassment or discrimination.

5.2-05 Responsibility of Individual Employees

Each individual employee has the responsibility to refrain from harassment and discrimination in the workplace and to report incidents of harassment or discrimination. An individual employee who harasses or discriminates against another individual is liable for his or her individual conduct and will be subject to disciplinary action, up to and including termination of employment.

5.2-06 Complaint Process

The Village encourages individuals who believe they are being harassed or discriminated against to firmly and promptly notify the offender that his or her behavior is unwelcome, the Village also recognizes that such a confrontation may be ineffective or impossible. Regardless of the outcome of an informal, direct communication between individuals; any employee witnessing or experiencing what he or she believes to be harassment or discrimination must not assume that Village Management is aware of the conduct. If the victim fails to notify a supervisor or other responsible officer, the Village will not be presumed to have knowledge of the harassment. The following steps should be taken to report a complaint of harassment or discrimination.

A. Reporting of Incident: All employees are required to report any suspected harassment or discrimination to his or her Department Director, except where the Department Director is the individual accused of harassment or discrimination. In that case, the complaint should be reported to the Village Administrator. If a female employee prefers to report a suspected sexual harassment to someone of the same gender, they may report directly to the Assistant Village Administrator. The report may be made initially either orally or in writing, but reports made orally must ultimately be reduced to writing.

B. Investigation of Complaint:

When a complaint of harassment or discrimination has been reported, the Department Director shall immediately notify the Assistant Village Administrator. While the Assistant Village Administrator is investigating the complaint, the complainant shall be assigned to an area where they will have minimal contact with the alleged perpetrator. The Assistant Village Administrator will make a determination as to whether a detailed fact-finding investigation is necessary. (For example, if the alleged harasser does not deny the accusation, there would be no need to interview witnesses, and the Village could immediately determine appropriate corrective action). If a fact-

finding investigation is necessary, the Assistant Village Administrator will promptly initiate an investigation of the suspected harassment or discrimination.

Where the alleged offender is not an employee or officer of the Village, the Village Administrator, in consultation with the complainant, will review the complaint and make every effort to identify a reasonable remedy if harassment or discrimination has been confirmed.

- C. Report:** The Assistant Village Administrator will objectively gather and consider the relevant facts and shall prepare a written report of the investigation of the harassment or discrimination. The report shall include a finding that harassment or discrimination occurred, harassment or discrimination did not occur, or there is inconclusive evidence as to whether harassment or discrimination occurred. The findings of the investigation will be given to the employee(s) who made the initial report, the employee(s) to whom the suspected harassment or discrimination was directed, and the individual(s) accused of the harassment or discrimination.
- D. Records; Confidentiality:** Employees who report incidents of harassment or discrimination are encouraged to keep written notes in order to accurately record the offensive conduct. Every effort shall be made to keep all matters related to the investigation and various reports confidential. In the event of a lawsuit, however, the Village advises that records it maintains and the complainant maintains may not be considered privileged from disclosure.
- E. Timeframe for Reporting Complaint:** The Village encourages a prompt reporting of complaints so that rapid response and appropriate action may be taken. Delayed reporting of complaints will not, in and of itself, preclude the Village from taking remedial action.
- F. Protection Against Retaliation – Retaliation Prohibited:** The Village will not in any way retaliate or permit any employee, officer or agent of the Village to retaliate against an individual who makes a report of harassment or discrimination or provides information related to such report. Any witness to an incident or participant in any investigation of harassment or discrimination is also protected from retaliation. Retaliation is a serious violation of this Anti-Harassment/Anti-Discrimination Policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment or discrimination will be subject to the same disciplinary action provided for harassment/discrimination offenders, meaning disciplinary action up to and including termination of employment. No one making a complaint of harassment or discrimination or providing information related thereto will be retaliated against even if a complaint made in good faith is not substantiated. Similar to the prohibition against retaliation as set forth in this policy, whistleblower protection from retaliatory action is afforded under the State

Officials and Employees Ethics Act (5 ILCS 430/15-10; 5 ILCS 430/70-5), the Whistleblower Act (740 ILCS 174/15(a)) and the Illinois Human Rights Act (775 ILCS 5/6-101).

5.2-07 Discipline/Sanctions

Disciplinary action will be taken against any employee found to have engaged in harassment or discrimination of any other employee. The extent of sanctions may depend in part upon the length and conditions of employment of the particular employee and the nature of the offense. The Village has the right to apply any sanction or combination of sanctions, up to and including termination, to deal with unreasonable conduct, harassment or discrimination.

Where a hostile work environment has been found to exist, the Village will take all reasonable steps to eliminate the conduct creating such an environment.

5.2-08 False and Frivolous Complaints

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 sanctions, up to and including termination. False and frivolous charges do not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for an individual accused of harassment or discrimination, a false and frivolous charge is a severe offense that can itself result in disciplinary action, including termination.

5.2-09 Education / Training

Education and training for employees at each level of the work force are critical to the success of the Village's policy against harassment and discrimination. The Anti-Harassment/Anti-Discrimination Policy will be distributed to all current employees, and each recently hired employee. All employees are required to read and sign a receipt of the Village's policy. In addition, employees will receive periodic training, on Village time, regarding the Village's Anti-Harassment/Anti-Discrimination Policy.

All supervisors and managers will participate, on Village time, in periodic training sessions so that Village supervisors and managers understand their responsibilities under the Village's Anti-Harassment/Anti-Discrimination Policy and complaint procedure. Such training will explain: the types of conduct that violate the Village's policy; the seriousness of the policy; the responsibilities of supervisors and managers when they learn of alleged harassment or discrimination; and the prohibition against retaliation.

5.2-10 External Procedures for Filing a Complaint of Harassment or Discrimination

The Village hopes that any incident of harassment or discrimination can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). A charge with IDHR must be filed within one hundred eighty (180) days of the incident of harassment or discrimination. A charge with EEOC must be filed within three hundred (300) days of the incident. In addition, an appeal process is available through the Human Rights Commission (IHRC), after the IDHR has completed its investigation of the complaint.

The Illinois Department of Human Rights (IDHR) may be contacted as follows:

CHICAGO (312) 814-6200
TTY (866) 740-3953

The Illinois Human Rights Commission (IHRC) may be contacted as follows:

CHICAGO (312) 814-6269
TTY (312) 814-4760

The United States Equal Employment Opportunity Commission (EEOC) may be contacted as follows:

CHICAGO (800) 669-4000
TTY (800) 869-8001

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 with either of these agencies. The charges must be filed within 180 (IDHR) or 300 (EEOC) days of the retaliation.

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

5.3 ROMANTIC RELATIONSHIPS

5.3-01 Prohibition on Supervisory/Subordinate Relationships:

All employees should recognize their responsibilities regarding the enforcement of the Village's Anti-Harassment / Anti-Discrimination Policy. Because of the Village's strong commitment to preventing sexual harassment in the workplace, any dating/romantic relationship between supervisors and subordinate employees is prohibited. Should it come to the Village's attention that such a relationship exists, the Village will evaluate the situation on a case-by-case basis and consider the circumstances involved prior to making any employment decisions.

The Village Administrator may take all steps that he, in his discretion, deems appropriate. At a minimum, the employee and supervisor will not thereafter be permitted to work together on the same matters (including matters pending at the time disclosure of the relationship is made), and the supervisor must withdraw from participation in activities or decisions (including, but not limited to, hiring, evaluations, promotions, compensation, work assignments and discipline) that may reward or disadvantage any employee with whom the supervisor has or has had such a relationship.

In addition, and in order for the Village to deal effectively with any potentially adverse consequences such a relationship may have for the working environment, any person who believes that he has been adversely affected by such a relationship, notwithstanding its disclosure, is encouraged to make his views about the matter known to the Village Administrator, a Department Director, or the Assistant Village Administrator.

5.3-02 Employee Romantic Relationship Policy:

- A. Objective: The Village strongly believes that a work environment where employees maintain clear boundaries between employee personal and professional interactions is most effective for conducting Village business and enhancing productivity. Although this policy does not prevent the development of friendships or romantic relationships between co-workers, it does establish boundaries as to how relationships are conducted during working hours and within the working environment.

Individuals in supervisory or managerial roles, and those with authority over others' terms and conditions of employment, are subject to more stringent requirements under this policy due to their supervisory or managerial responsibilities, their access to sensitive information, and their ability to affect the terms and conditions of employment of individuals in subordinate positions.

This policy does not preclude or interfere with the rights of employees protected by the Illinois Public Labor Relations Act or any other applicable statute concerning the employment relationship.

- B. Procedures: During working time and in working areas, employees are expected to conduct themselves in an appropriate workplace manner that does not interfere with others or with overall productivity. Appropriate and inappropriate work guidelines are listed below:
- 1) During non-working time, such as lunches, breaks, and before and after work periods, employees engaging in personal exchanges in non-work areas should observe an appropriate workplace manner to avoid offending other workers or putting others in an uncomfortable position.

- 2) Employees are strictly prohibited from engaging in physical contact that would in any way be deemed inappropriate by a reasonable person while in work areas or premises, whether during working hours or not.
- 3) Employees who allow personal relationships with co-workers to adversely affect the work environment will be subject to the appropriate provisions of the disciplinary policy, including counseling for minor problems. Failure to change behavior and maintain expected work responsibilities is viewed as a serious disciplinary matter.
- 4) Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace, and/or violate Department Rules and Regulations or Village policy. For example, an exception to this principle, however, is romantic or sexual relationships between supervisors and subordinates as covered in Sec. 5.3-01.
- 5) Any concerns about the administration of this policy should be addressed to the Village Administrator, Department Director, or the Assistant Village Administrator.