

Warren-Newport Public Library District

Lake County, Illinois

Board of Trustees

Policy 1061

Harassment, Discrimination and Retaliation

Lake County, Illinois

Adopted: December 19, 2017

Reviewed/Revised: January 16, 2018; June 15, 2021

ARTICLE 1. ESTABLISHMENT

The Warren-Newport Public Library District (WNPLD) is committed to maintaining a work environment free of discrimination, harassment, and retaliation. In keeping with that commitment, the WNPLD Board of Trustees establishes this policy pursuant to the State Officials and Employees Ethics Act. [5 ILCS 430/70-5]

ARTICLE 2. PURPOSE

WNPLD will not tolerate harassment of employees or Trustees by anyone, including any supervisor, co-worker, elected or appointed official, or any third-party. All employees and Trustees are expected to avoid any behavior or conduct which could reasonably be interpreted as harassment. All employees and Trustees are expected to make it known promptly, through the avenues identified below, when they experience or witness offensive or unwelcome conduct.

All employees and Trustees must comply with this policy. Violations will not be tolerated. Even where conduct is not sufficiently severe or pervasive to constitute an actionable legal violation, WNPLD discourages such conduct in the workplace.

ARTICLE 3. DISCRIMINATION

Section 3.01 Prohibited Conduct

WNPLD prohibits discrimination, harassment, and retaliation on the basis of race, color, religion, sex, sexual orientation, gender identity, national origin, age, physical or mental disability, or any other characteristic protected by law. A violation of this policy, however, does not necessarily rise to the level of a violation of the law.

Section 3.02 Application of Policy

This policy applies to all employment-related decisions, actions, conduct, and terms and conditions of employment, such as, but not limited to, hiring, training, promotion, wages, hours, assignments, benefits, and termination of employment. Employment decisions will be based on considerations such as, but not limited to, the following: skills, experience, qualifications, and merit, to the extent that any of those considerations would apply to the specific circumstances and position involved.

ARTICLE 4. HARASSMENT

Section 4.01 Prohibition of Harassment

Harassment is a form of discrimination and is prohibited. WNPLD seeks to provide a work environment in which all individuals are treated with respect and dignity, and which is free from sexual harassment as well as other types of harassment described herein.

All employees and Trustees are responsible for conducting themselves in accordance with this policy. WNPLD will not condone harassment, whether engaged in by employees, supervisors, management, Trustees, or by those who do business with WNPLD, such as, but not limited to, vendors, contractors, patrons, visitors, and other third parties. Violation of this policy shall be considered grounds for disciplinary action, up to and including termination of employees and reporting Trustees to agencies having jurisdiction to investigate allegations of harassment, e.g., the Illinois Department of Human Rights.

Section 4.02 Harassment Relating to a Protected Status

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as race, color, religion, sex, sexual orientation, gender identity, national origin, age, physical or mental disability or other protected group status. WNPLD will not tolerate harassing conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. The conduct forbidden by this policy specifically includes, but is not limited to:

- slurs, negative stereotyping, demeaning or degrading comments, nicknames or intimidating acts that are based on a person's protected status; or
- written or graphic material that is circulated, available on the Warren-Newport Public Library's (WNPL) computer system or technology resources or posted or distributed in the workplace that shows hostility toward a person or persons because of their protected status.

Section 4.03 Sexual Harassment

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature become sexual harassment when: 1) submission to such conduct is made either explicitly or implicitly as a term or condition of a person's employment; 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such person; or 3) such conduct has the purpose or effect of interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

This policy forbids harassment based on sex, regardless of whether it rises to the level of a legal violation. WNPLD considers the following conduct to represent some of the types of acts that violate this policy:

- either explicitly or implicitly conditioning or providing preferential treatment in any term of employment (such as continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- physical contact, such as patting, pinching, or brushing against any part of another's body or physical assaults of a sexual nature;
- sexual propositions, sexual innuendo, suggestive comments;

- continuing to ask an employee to socialize on- or off-duty when the employee has indicated that they are not interested;
- displaying or transmitting demeaning, obscene or sexually suggestive pictures, objects, cartoons, or posters anywhere in the WNPL workplace;
- sexually oriented kidding, teasing, practical jokes, or threats;
- referring to or calling a person a sexualized name;
- telling sexual jokes or using sexually vulgar or explicit language;
- making derogatory or provoking remarks about or relating to an employee's sex or sexual orientation;
- harassing acts or behavior directed against a person on the basis of an employee's sex, sexual orientation, or gender identity; or
- off-duty conduct that falls within the above definition and affects the work environment.

Everyone is required to avoid behavior or conduct that could reasonably be interpreted as prohibited harassment under this policy. Employees and Trustees are encouraged to inform others in the workplace when their behavior is unwelcome, offensive, inappropriate, or in poor taste. Employees and Trustees are expected to come forward promptly and report any violations pursuant to this policy before the alleged offending behavior becomes severe or pervasive.

ARTICLE 5. RETALIATION

WNPLD will not retaliate or allow retaliation against an individual who has made a report of a violation of this policy or for cooperating in an investigation. This, of course, means that employees and Trustees also must not retaliate against any individual who has made a report of a violation of this policy or who has cooperated in an investigation. Retaliation by anyone against anyone else for reporting violations or cooperating in an investigation is strictly prohibited. Anyone who is found by WNPLD to have engaged in retaliation may be subject to discipline, up to and including termination of employment, or reporting conduct of Trustees to appropriate authorities.

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 430/1-1 et seq., and the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq.

ARTICLE 6. PROCEDURE FOR REPORTING AND INVESTIGATION OF HARASSMENT, DISCRIMINATION, AND RETALIATION

Section 6.01 Reporting

All employees and Trustees are responsible for helping to avoid all forms of harassment. Anyone who believes they have experienced conduct inconsistent with this policy or otherwise learns of conduct prohibited by this policy is responsible for reporting the conduct through the complaint procedure. Reporting harassment or discrimination to any individual who is creating the harassment or discrimination is not required. Employees or Trustees may make an incident report for this purpose or may report conduct in any other manner, including making a confidential report to a supervisor, the Inspector General, or the Department of Human Rights.

Any supervisor who receives a verbal confidential report must document that report in writing. In addition, each supervisor must immediately report to the Human Resources Generalist, the Executive Director, or a Trustee any complaint or observation of conduct which may violate this

policy. Supervisors, 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 agencies having jurisdiction to investigate allegations of harassment, e.g., the Illinois Department of Human Rights.

Section 6.02 Immediacy

Verbal complaints must be made immediately. WNPLD may follow up in writing to assure complete understanding of and resolution of the specific complaint.

Section 6.03 No Exceptions

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.

Section 6.04 Investigation

Any conduct inconsistent with or prohibited by this policy will be investigated promptly. WNPLD is committed to investigating and taking prompt and appropriate action with respect to all such claims and requires internal utilization of this policy. WNPLD may put reasonable interim measures in place, such as a leave of absence (with or without pay) or a transfer, while the investigation takes place.

Section 6.05 Disciplinary Action

All reports of violations of this policy shall be made in good faith. Therefore, all reports will be taken seriously, and they will be promptly investigated. Employees and Trustees are required to cooperate with investigations conducted by the WNPLD.

Employees or Trustees who engage in conduct that is found by WNPLD to be inconsistent with or prohibited by this policy are subject to disciplinary action, up to and including termination or reporting to agencies having jurisdiction to investigate allegations of harassment, e.g., the Illinois Department of Human Rights. Persons knowingly making a false report are subject to disciplinary action, up to and including termination or reporting to appropriate authorities. Failure to cooperate in an investigation also will subject an employee to the same disciplinary action. WNPLD may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy.

Section 6.06 Confidentiality

To the fullest extent practical, WNPLD will keep complaints and the terms of their resolution confidential. However, in order to effectively investigate such complaints, WNPLD must make inquiries of employees or Trustees involved. WNPLD also has sole discretion to determine the scope of the investigation and, within that scope, the individuals who should be informed of and asked about the allegations.

ARTICLE 7. EEOC, STATE, AND LOCAL AGENCIES

Employees and Trustees are encouraged to use the complaint procedure(s) described in Article 6 to report and resolve their complaints of harassment or retaliation to promote prompt resolution of any problems.

Employees and Trustees may also file a charge in writing with the Illinois Department of Human Rights within 180 days of the conduct and/or the Equal Employment Opportunity Commission at:

Illinois Department of Human Rights
100 W. Randolph St., Suite 10-100
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission
JCK Federal Building
230 South Dearborn Street
Chicago, IL 60604
[\(312\) 872-9744](tel:3128729744)

The content and wording of this policy were recommended by the WNPLD Attorney in response to the November 16, 2017 passage of P.A. 100-0554. Future edits should be made with this in mind. Policy 1061 was passed by resolution as required by law on December 19, 2017.

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INVESTIGATION: HARASSMENT COMPLAINT FORM

Today's date: _____

Name of the Complainant: _____

Department: _____

Email: _____ Phone: _____

Name of the Accused: _____

Department: _____

Relationship of the Accused to the Complainant (Manager/Supervisor, Coworker, Trustee, patron, vendor, etc.):

Email: _____ Phone: _____

Date of Incident: _____

Where did the specific event occur?

Please explain the events that occurred.

How did you react to the situation? Did you take any action to stop perceived inappropriate behavior?

Describe the harm you have suffered as a result of the event.

Were there any witnesses to this specific event? (If yes, please provide their names.)

Is there any evidence that supports your complaint? If so, please describe or attach copy of evidence.

What would be your desired outcome of the investigation?

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the Warren-Newport Public Library deems relevant.

Signature: _____ Date: _____

Please return this form to Human Resources.