

# ***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:

#### **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, national origin, age, 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 sex, sexual orientation, color, race, religion, 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 she or he is 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 or sexual orientation; 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 he or she has 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 Department, 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 in order 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  
500 West Madison Street, Ste. 2800  
Chicago, Illinois 60661-2511  
(312) 353-2713

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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