

15.2 Anti-Harassment

A. STATEMENT OF POLICY

It is the Village of Romeoville's policy that it will not tolerate or condone discrimination or harassment on the basis of race, color, religion, sex, gender, sexual orientation, genetic information, national origin, age, physical or mental disability, ancestry, marital status, military status, arrest record, unfavorable discharge from military service, order of protection status, or any other classification prohibited under federal or state law. The Village of Romeoville will neither tolerate nor condone discrimination or harassment by employees, managers, supervisors, elected officials, co-workers, or non-employees with whom Village of Romeoville has a business, service or professional relationship. Retaliation against an employee who complains about or reports any act of discrimination or harassment in violation of this policy is prohibited. Retaliation against any employee who participates in an investigation pursuant to this policy is likewise prohibited. The Village of Romeoville is committed to ensuring and providing a work place free of discrimination, harassment, and retaliation. The Village of Romeoville will take disciplinary action, up to and including termination, against an employee who violates this policy.

As set forth above, sexual harassment is prohibited. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or any other visual, verbal or physical conduct of a sexual nature when:

1. submission to or rejection of this conduct explicitly or implicitly affects a term or condition of individual's employment;
2. submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee or;
3. the harassment has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment because of the persistent, severe or pervasive nature of the conduct.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The employee as well as the harasser may be a woman or a man. The employee does not have to be of the opposite sex.
- The harasser can be the employee's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The employee does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the employee.

- The harasser's conduct must be unwelcome.

Each employee must exercise his or her own good judgment to avoid engaging in conduct that may be perceived by others as sexual harassment or harassment based on any status protected by law. The following are illustrations of actions that the country deems inappropriate and in violation of our policy:

1. Unwanted sexual advances.
2. Offering employment benefits in exchange for sexual favors.
3. Making or threatening retaliation after a negative response to a sexual advance or after an employee has made or threatened to make a harassment complaint.
4. Visual conduct such as leering, making sexual gestures, displaying sexually suggestive objects or pictures, cartoons, calendars or posters.
5. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, derogatory or suggestive comments about a person's body or dress.
6. Written or electronic communications of a sexual nature or containing statements or images which may be offensive to individuals in a particular protected group, such as racial or ethnic stereotypes regarding disabled individuals.
7. Physical conduct such as unwanted touching, assaulting, impeding or blocking movements.

B. RESPONSIBILITIES

- **Supervisors**

Each supervisor shall be responsible for ensuring compliance with this policy, including the following:

1. Monitoring the workplace environment for signs of discrimination and harassment;
2. Stopping any observed acts of discrimination or harassment and taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision.
3. Reporting any complaint of harassment or discrimination to the Human Resources Manager; and
4. Taking immediate action to limit the work contact between the individuals when there has been a complaint of discrimination or harassment, pending investigation.

- **Employees**

Each employee is responsible for assisting in the prevention of discrimination and harassment through the following acts:

1. Refrain from participation in, or encouragement of, actions that could be perceived as discrimination or harassment.
2. Reporting any violations of this policy to a supervisor and law enforcement (if appropriate under the circumstances); and
3. Encouraging any employee who confides that he/she is the victim of conduct in violation of this policy to report these acts to a supervisor.

Failure to take action to stop known discrimination or harassment may be grounds for discipline.

There is a clear line in most cases between a mutual attraction and a consensual exchange and unwelcome behavior or pressure for an intimate relationship. A friendly interaction between two persons who are receptive to one another is not considered unwelcome or harassment. Employees are free to form social relationships of their own choosing. However, when one employee is pursuing or forcing a relationship upon another who does not like or want it, regardless of friendly intentions, the behavior is unwelcome sexual behavior. An employee confronted with these actions by a co-worker should inform the harasser that such behavior is offensive and tell the harasser to stop. You should assume that sexual comments are unwelcome unless you have clear unequivocal indications to the contrary. In other words, another person does not have to tell you to stop for your conduct to be harassment and unwelcome. Sexual communications and sexual contact with a minor are ALWAYS prohibited.

If you are advised by another employee that your behavior is offensive, you must immediately stop the behavior, regardless of whether you agree with the person's perceptions of your intentions.

The Village of Romeoville does not consider conduct in violation of this policy to be within the course and scope of employment and does not sanction such conduct on the part of any employee, including supervisory and management employees.

C. APPLICABLE PROCEDURES

The Village of Romeoville takes allegations of discrimination and harassment very seriously. It will actively investigate all complaints.

It is helpful for the employee to directly inform the offending individual that the conduct is unwelcome and must stop. The employee should use the Village of Romeoville's complaint procedure to advise the Village of Romeoville of any perceived violation of this policy.

- **Bringing a Complaint**

Any employee of the Village of Romeoville, who believes that there has been a violation of this policy, may bring the matter to the attention of the Village of Romeoville in one of the following ways:

1. Advising his or her supervisor; or
2. Advising the offending employee's supervisor, the Human Resources Manager or the Village Manager in the event that the alleged harasser is the Human Resources Manager.

If the complaint involves someone in the employee's direct line of command, then the employee should go directly to the Human Resources Manager.

The complaint should be presented as promptly as possible after the alleged violation of this policy occurs.

- **Resolution of a Complaint**

Promptly after a complaint is submitted, the Village of Romeoville will undertake such investigation, corrective and preventative actions as are appropriate. In general, the procedure in resolving any complaints can (but will not necessarily) include any of the following items:

1. A meeting between the employee making the complaint and an individual designated by the Village of Romeoville to investigate such complaints. Important data to be provided by the complaining employee includes the following:
 - a. A description of the specific offensive conduct;
 - b. Identification of all person(s) who engaged in the conduct;
 - c. The location where the conduct occurred;
 - d. The time when the conduct occurred;
 - e. Whether there were any witnesses to the conduct;
 - f. Whether conduct of a similar nature has occurred on prior occasions;
 - g. Whether there are any documents which would support the complaining employee's allegations;
 - h. What impact the conduct had on the complaining employee.
2. While not required, the Village of Romeoville encourages anyone who makes a complaint under this policy to provide a written statement setting forth the above details and attaching any pertinent records.
3. After a written statement of complaint is submitted by the employee, the alleged offending individual should be contacted by a designated representative of the Village of Romeoville. The alleged offending individual should be advised of the charges brought against him or her,

and may be provided with a copy of the written statement of complaint made by the complaining employee. The alleged offending individual should have an opportunity to fully explain his or her side of the circumstances, and may also submit a written statement, if desired.

4. After the alleged offending individual is interviewed, any witnesses identified by either the complaining employee or the alleged offending individual may be interviewed separately.
5. Once the investigation is completed, the Village of Romeoville will take such action as is appropriate based upon the information obtained in the investigation. In the event that the Village of Romeoville finds merit in the charges made by the complaining employee, disciplinary action will be taken against the offending employee. This disciplinary action may result in discipline up to and including termination of employment.
6. Upon completion of the investigation, the Village of Romeoville will advise the complaining employee of the results of the investigation, including action taken, if any, against the offending individual.

When investigating alleged violations of this policy, the Village of Romeoville looks at the whole record including, but not limited to, the nature of the allegations, the context in which the alleged incidents occurred, and the statements of the parties and witnesses. A determination on the allegations is made from the facts on a case-by case basis.

Knowingly making a false report of sexual harassment may result in discipline up to and including termination.

D. Non-Retaliation

Under no circumstances will there be any retaliation against any employee making a complaint of discrimination or harassment. Any act of retaliation by any party directly against a complaining employee, or accused employee, witness, or participants in the process will be treated as a separate and distinct charge and will be similarly investigated. Complaints of retaliation should be addressed to the Human Resources Manager or the Village Manager.

If you have any questions concerning the Village of Romeoville's policies on this matter, please see your supervisor or the Human Resources Manager. Further information may also be obtained from the Illinois Department of Human Rights, 312-814-6200, or the Equal Employment Opportunity Commission (EEOC), 800-669-4000.

Please acknowledge receipt and review of this policy by completing the attached acknowledgement and returning it to Human Resources.