



ANTI-HARASSMENT

I. Leadership System for Maximum Success Alignment

Board Governing Policy 2.2.1 states, *that the executive director shall not “operate without written personnel policies, which provide for staff safety, clarify personnel rules for staff.”*

The **Leadership by Values System** states, *“Continually defines expectations, roles, and responsibilities to maximize customer-focused, value-added activity.”*

II. Purpose/Objective

The purpose of the Anti-Harassment Policies are to foster a professional work environment that prohibits unlawful harassment and discrimination.

III. Standard A.

Policy Prohibiting all Unlawful Harassment

The Rockford Park District is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits unlawful discriminatory practices, including harassment and sexual harassment. Therefore, the Park District expects that all relationships among persons in the workplace will be professional and free of unlawful bias, prejudice, and harassment.

It is the responsibility of each and every employee, officer, official, park commissioner, agent, volunteer, and vendor of the Park District, as well as anyone using the Park District's facilities, to refrain from any unlawful harassment, including sexual harassment. The Park District will not tolerate sexual or any other type of unlawful harassment of or by any of its employees, vendors, contractors, volunteers, and commissioners. Actions, words, jokes, or comments based on an individual's actual or perceived race, color, religion, sex, gender identity, national origin, age, ancestry, pregnancy (and childbirth or medical or common conditions related to pregnancy or childbirth), sexual orientation, marital status, citizenship, arrest record, military status or unfavorable discharge from the military service, mental or physical disability unrelated to a person's ability to perform the essential functions of the job, genetic information, order of protection status, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and policies of the Park District prohibit disparate treatment on the basis of sex or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibition against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.



Policy Prohibiting Sexual Harassment

The Rockford Park District strictly prohibits all forms of sexual harassment. It is the purpose of this Sexual Harassment Policy to identify conduct considered to be sexual harassment, identify the reporting procedures available to individuals wishing to make a report of sexual harassment (including options for making a confidential report), to prohibit retaliation for reporting sexual harassment and identify available whistleblower protections, and to identify consequences for violating Rockford Park District's prohibition on sexual harassment as well as the consequences for knowingly making false report.

Sexual harassment may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:

- a. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
- b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
- c. The harassment has the purpose or effect of interfering with the employee's work performance or creating an environment that is intimidating, hostile, or offensive to the employee.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls, whistling or touching, pinching, or brushing the body; suggestive or insulting or obscene comments or gestures; displays or circulation in the workplace of sexually suggestive objects, contents, slogans, or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

While the most commonly recognized forms of sexual harassment involve the types of conditions described above and such forms are prohibited at all times, non-sexual conduct can also constitute a violation of applicable law when conduct is directed at a person because of his or her gender.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related social events.

Any employee engaging in practices or conduct constituting sexual harassment, discrimination or prohibited harassment of any kind shall be subject to disciplinary action, up to and including termination.

IV. Procedure A



1. Reporting Procedure

The Park District strongly urges the reporting of all incidents of sexual harassment, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of sexual harassment. Therefore, while no fixed reporting period has been established, the Park District strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued.

If an employee experiences or witnesses harassment or discrimination of any kind, the employee should deal with the incident(s) as directly and firmly as possible by clearly communicating his or her position to the offending person, or to his or her immediate supervisor, the Superintendent of Human Resources—who serves as the Ethics Officer—and/or the Executive Director. If the incident involves the Executive Director, the employee may communicate their position to the President of the Board of Commissioners. The employee should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at the employee in order to make a complaint through the procedures set forth below.

Any employee may report conduct which is believed to be sexual harassment. Reports may be made anonymously. The investigation of a report will be conducted with the utmost possible privacy and confidentiality. Reports may be made by the following methods:

- **Direct Communication with Offender:**

If there is harassing or discriminatory behavior in the workplace, the employee may directly and clearly express his or her objection to the offending person(s) regardless of whether the behavior is directed at the employee. If the employee is being harassed, he or she should clearly state that the conduct is unwelcome and the offending behavior must stop. *However, the employee is not required to directly confront the person who is the source of their report, question, or complaint before notifying any of those individuals listed below.* The initial communication may be oral or written, but documentation of the notice should be made. If subsequent communication is needed, it should be put in writing.

- **Report to Supervisory and Administrative Personnel:**

At the same time direct communication is undertaken, or in the event an employee does not wish to directly communicate with the offending person because he or she feels threatened or intimidated by the offending person or for other reasons, they should promptly report the offending behavior to their immediate supervisor, Superintendent of Human Resources, or the Executive Director. If the employee feels uncomfortable doing so, or if their immediate supervisor and/or department head is the source of the problem, condones the problem or ignores the problem, the report should be submitted directly to the Superintendent of Human Resources or the Executive Director. If either the Superintendent of Human Resources or the Executive Director is the source of the problem, condones the problem, or ignores the problem, the employee should contact the President of the Board of Commissioners.



- **Report to Executive Director/President of the Board of Commissioners:** An employee may also report incidents of harassment or discrimination directly to the Executive Director. The Executive Director or his designee will promptly investigate the facts and take corrective action when an allegation is determined to be valid. If an employee's complaint alleges harassment by the Executive Director, or if the Executive Director condones the problem or ignores the problem, the employee should immediately report the incident or incidents to the President of the Board of Commissioners.
- **Elected Officials:** Alleged harassment by one elected official against another can be reported to the District's President of the Board of Commissioners. If the President of the Board of Commissioners is the person reporting the harassment or is implicated by the allegation, the report can be made to any other District commissioner. If a complaint is made against an elected official of the District by another elected official of the District under this Section, the matter must be referred to the District's legal counsel. The allegations of the complaint will be thoroughly investigated through an independent review, which may include referring the matter to a qualified, independent attorney or consultant to review and investigate the allegations. Further, if warranted (as determined, where possible, by a committee of the other commissioners who are not the reporting official or the official who is the subject of the complaint), reasonable remedial measures will be taken.
- **Report outside of the Park District.** All employees have the right to contact the Illinois Department of Human Rights (IDHR) anonymous reporting hotline which will be established by the IDHR by February 16, 2018.

Harassment Allegations against Non-Employees/Third Parties: If an employee makes a complaint alleging harassment or discrimination against a commissioner, agent, vendor, supplier, contractor, volunteer or person using Park District programs or facilities, the Executive Director, or his/her designee, will investigate the incident(s) and determine the appropriate action, if any. The Park District will make a reasonable effort to protect its employee from further contact with such persons. Please recognize, however, that the Park District has limited control over the actions of non-employees.

Supervisor Responsibility: Any supervisor who becomes aware of any possible sexual harassment or retaliation of or by any employee must immediately advise the Superintendent of Human Resources or the Executive Director who will investigate the conduct and resolve the matter as soon as possible. All employees are encouraged to report incidents of harassment, regardless of who the offender may be or whether or not they are the intended victim.

IMPORTANT NOTICE TO ALL EMPLOYEES REGARDING REPORTING PROCEDURES:

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this reporting procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.



2. The Investigation

Any reported allegations of sexual harassment, including anonymous reports, will be accepted and investigated promptly. An investigation will be conducted and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation. The Park District will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The Park District reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment. All employees must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including termination.

3. Retaliation Prohibited

The Park District prohibits retaliation against any individuals who make good faith reports of discrimination or harassment, participate in an investigation of such reports, or file a charge of discrimination or harassment. For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any employee that is taken in retaliation for an employee's involvement in protected activity pursuant to this policy. No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Employees who report harassment or discrimination are protected by this policy, as well as by the following provisions of state law:

- a. The State Officials and Employees Ethics Act provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:
 1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
 2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
 3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

- b. The Whistleblower Act provides that an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation.



- c. The Illinois Human Rights Act provides that it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he or she has opposed that which he or she reasonably and in good faith believes to be sexual harassment in employment, because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

Retaliation against an individual for reporting sexual harassment, or participating in an investigation of a claim of sexual harassment, or for filing a charge of sexual harassment is a serious violation of this policy and, like sexual harassment itself, will be subject to disciplinary action, up to and including termination.

4. False and Frivolous Complaints

Given the possibility of serious consequences for an individual accused of sexual or other forms of prohibited harassment, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action, up to and including termination.

5. Responsive Action

The Park District will determine what constitutes sexual harassment and/or retaliation based on a review of the facts and circumstances of each situation. Misconduct constituting sexual harassment and/or retaliation will be dealt with appropriately. Consequences for violation of the prohibition on sexual harassment and/or retaliation may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay (for non-exempt employees only) or termination, as the Park District believes appropriate under the circumstances.

In addition to any and all discipline imposed by the Park District, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense.

6. Training

The Park District will ensure that each officer and employee is trained on this Policy Prohibiting Sexual Harassment on a schedule as required by law.

Training on this Policy Prohibiting Sexual Harassment shall include, at a minimum: the definition, and a description, of sexual harassment utilizing examples; details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; the definition, and description of, retaliation for reporting sexual harassment allegations utilizing examples, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report. The Park District will maintain proof of completion of the training.



7. Administrative Contacts

While the Park District hopes to be able to resolve any complaints of sexual harassment within the Park District, we acknowledge an employee's right to contact federal or state entities for purposes of discussing and, potentially, filing a formal complaint. Information regarding how to contact those state and federal agencies is set forth below.

Illinois Department of Human Rights
(312) 814-6200 Chicago
(312) 263-1579 TDD Chicago
(217) 785-5100 Springfield
(217) 785-5119 TDD Springfield

Equal Employment Opportunity Commission
(312) 353-2713 Chicago
(800) 669-3362
(800) 800-3302 TDD

Illinois Human Rights Commission
(312) 814-6269 Chicago
(312) 263-1579 TDD Chicago
(217) 785-4350 Springfield
(217) 785-5119 TDD Springfield

V. Standard B

Policy Prohibiting All Forms of Harassment

The Rockford Park District strictly prohibits all forms of harassment on the basis of any protected characteristic.

Prohibited Harassment: Any verbal or physical conduct that denigrates or shows hostility toward an employee because of the employee's actual or perceived race, color, religion, sex, gender identity, national origin, age, ancestry, pregnancy (or childbirth and medical or common conditions related to pregnancy or childbirth), sexual orientation, marital status, citizenship, arrest record, military status or unfavorable discharge from the military service, mental or physical disability unrelated to a person's ability to perform the essential functions of the job, genetic information, order of protection status, or any other legally protected characteristic.

Harassing conduct 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, voice mail, or similar systems).

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related social events.

Any employee engaging in practices or conduct constituting prohibited discrimination, harassment or retaliation of any kind shall be subject to disciplinary action, up to and including termination.



VI. Procedure B

1. Procedure

The Park District strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the Park District strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that their behavior is unwelcome and requesting that it be discontinued.

If an employee experiences or witnesses harassment or discrimination of any kind, the employee should deal with the incident(s) as directly and firmly as possible by clearly communicating his or her position to the offending person, or to his or her immediate supervisor, the Superintendent of Human Resources and/or the Executive Director. If the incident involves the Executive Director, the employee may communicate their position to the President of the Board of Commissioners. The employee should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at the employee in order to make a complaint through the procedures set forth below.

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this policy and by the State Officials and Employees Ethics Act, the Whistleblower Act and the Illinois Human Rights Act. Retaliation against an individual for reporting harassment or discrimination, or participating in an investigation of a claim of harassment or discrimination, or for filing a charge of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination.

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5. Responsive Action

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Illinois Human Rights Commission
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(312) 263-1579 TDD Chicago
(217) 785-4350 Springfield
(217) 785-5119 TDD Springfield



VII. Responsibilities and Accountability

The Human Resources Department in conjunction with all managers is responsible for implementation and maintenance of this policy.

VIII. Review Frequency

This document is recommended for review yearly according to Human Resources' procedures that a proactive, systematic policy review system is in place, and the Superintendent of Human Resources will ensure it is updated and approved by the applicable authority according to the established timeline.

IX. Internal Cross References

Employee Conduct Policy 07-01; Disciplinary Processes and Procedures Policy 09-01.

X. Attachments and Forms

n/a