

Oak Lawn Public Library

BOARD POLICY

HARASSMENT

The Library prohibits harassment of one employee by another employee, supervisor or third party for any reason based upon an individual's actual or perceived protected status such as race; color; religion; genetic information; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability or handicap; citizenship status; service member status; or any other category protected under federal, state, or local law.

In Illinois, the following also are a protected class, either actual or perceived: race, color, religion, national origin, citizenship status, ancestry, age, sex, sexual orientation [including heterosexuality, homosexuality, bisexuality and gender-related identity], pregnancy, childbirth, or related medical conditions, arrest records, credit history or credit report, military status, unfavorable discharge from military service, order of protection status, marital status, genetic information and testing, and mental or physical disability. Specific categories of harassment as set forth in the Illinois Human Rights Act (IHRA) may also constitute a Civil Rights violation.

If you have any questions about what constitutes harassing behavior or what conduct is prohibited by this policy, please discuss the questions with your immediate supervisor or one of the contacts listed in this policy.

At a minimum, the term "harassment" as used in this policy includes any unwelcome conduct whether verbal, physical, or visual, that affects tangible job benefits or employment decisions, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive work environment or is made either explicitly or implicitly a term or condition of employment, and is based upon an individual's actual or perceived protected status: race; color; religion; genetic information; national origin; sex (including same sex); pregnancy, childbirth, or related medical conditions; age; disability or handicap; citizenship status; service member status; or any other category protected by federal, state, or local law.

The prohibited behavior may be in any form, including but not limited to, e-mail, voicemail, chat rooms, Internet or social media use or history, text messages, pictures, images, writings, words or gestures, depiction of negative stereotypes, intimidating acts based on a person's protective status or any other means of posting, circulating, or relating such words or material. For purposes of this policy, the phrase "working environment" is not limited to the physical location an employee is assigned to perform his or her duties.

Sexual harassment is a specific type of harassment. Sexual harassment is illegal and 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; or
- (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.

Examples of sexual harassment include:

- Offensive remarks, epithets, comments, jokes, slurs, threats, or verbal conduct;
- Offensive pictures, drawings, photographs, figurines, writings, or other graphic images, conduct, or communications, including text messages, instant messages, websites, voicemails, social media postings, e-mails, faxes, and copies or in any other way displayed;
- Sexual advances, or requests or demands for sexual favors regardless of the gender or gender identity of the individuals involved; whether or not such suggestion or demand is accompanied by implicit or explicit threats concerning one's employment status or similar personal concerns;
- Offensive or unwelcome sexual remarks, uninvited sex-oriented verbal "kidding" or demeaning sexual innuendos, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature, or graphic or suggestive comments about an individual's body or dress;
- Offensive physical conduct, including touching, patting, pinching, or constant brushing against another's body, and gestures, regardless of the gender or gender identity of the individuals involved.

Supervisors and managers are covered by this policy and are prohibited from engaging in any form of harassing, discriminatory, or retaliatory conduct. No supervisor or other member of management has the authority to suggest to any applicant or employee that employment or advancement will be affected by the individual entering into (or refusing to enter into) a personal relationship with the supervisor or manager, or for tolerating (or refusing to tolerate) conduct or communication that might violate this policy. Such conduct is a direct violation of this policy.

Complaints by an elected/appointed official against another elected/appointed official shall be submitted to the Director. The Director shall, in consultation with legal counsel for the Library, ensure that the independent review is conducted with respect to such allegations.

Non-employees are also covered by this policy. The Library prohibits harassment, discrimination, or retaliation of its employees in connection with their work by non-employees. Immediately report any harassing or discriminating behavior by non-employees, including contractor or subcontractor employees and volunteers. Any employee who experiences or observes harassment, discrimination, or retaliation should report it using the steps listed below.

The Equal Employment Opportunity laws prohibit punishing job applicants or employees for asserting their rights to be free from employment discrimination, including harassment. Retaliation in any form is prohibited that could affect current and future employment, which includes: threatening an individual or taking any adverse action against an individual for reporting a possible violation of this policy, such as firing, demotion, wage reduction, negative reviews, or participating in an investigation conducted under this policy. Retaliation claims can be filed under the Illinois Human Rights Act (IHRA) and Title VII of the U.S Civil Rights Act of 1964 (Title VII), the State Officials and Employees Ethics Act, and the Illinois Whistleblower Act.

Asserting these rights is called "protected activity," and it can take many forms. For example, it is unlawful to retaliate against applicants or employees for:

- filing or being a witness in an EEO charge, complaint, investigation, or lawsuit
- communicating with a supervisor or manager about employment discrimination, including harassment
- answering questions during an employer investigation of alleged harassment
- refusing to follow orders that would result in discrimination
- resisting sexual advances, or intervening to protect others
- requesting accommodation of a disability or for a religious practice
- asking managers or co-workers about salary information to uncover potentially discriminatory wages.

Participating in a complaint process is protected from retaliation under all circumstances. Other acts to oppose discrimination are protected as long as the employee was acting on a reasonable belief that something in the workplace may violate EEO laws, even if he or she did not use legal terminology to describe it. Any individual who retaliates against another for exercising their rights under this policy shall be subject to discipline, up to and including, termination.

Engaging in EEO activity, however, does not shield an employee from all discipline or discharge. Employers may discipline or terminate workers if motivated by *non-retaliatory and non-discriminatory* reasons that would otherwise result in such consequences. However, an employer is not allowed to do anything in response to EEO activity that would discourage someone from resisting or complaining about future discrimination.

If there are concerns that this Harassment Policy has been violated, immediately file a report to the **Director** or the **Human Resources Coordinator**. If an employee makes a report to and does not receive a response, or does not receive a response in a manner the employee deems satisfactory or consistent with this policy, the employee is required to report the situation to the President of the Library Board of Trustees.

Harassment reports will be investigated and appropriate actions will be taken. A complaint against an employee that is investigated and verified will subject that employee to disciplinary action, up to and including, termination. Appropriate actions on a complaint against a third party or non-employee that has been investigated and verified will be taken. The Library will protect the confidentiality of employees reporting suspected violations to the extent possible consistent with our legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

Persons who violate this policy, including knowingly making a false report in regards to harassment or sexual harassment, are subject to discipline, up to and including discharge.

The Library will provide sexual harassment prevention training on an annual basis as required by law.

Any individual has the right to contact the Illinois Department of Human Rights (IDHR) and/or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR or EEOC complaint must be filed with 300 days of the alleged incident(s).

Illinois Department of Human Rights (IDHR)

Chicago: 312-814-6200 or 800-662-3942

Chicago TTY: 866-740-3953

Springfield: 217-785-5100

Springfield TTY: 866-740-3953

Marion: 618-993-7463

Marion TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

Chicago: 312-814-6269

Chicago TTY: 312-814-4760

Springfield: 217-785-4350

Springfield TTY: 217-557-1500

U.S. Equal Employment Opportunity Commission (EEOC)

Chicago: 800-669-4000

Chicago TTY: 800-869-8001

Illinois Sexual Harassment & Discrimination Helpline:

877-236-7703 (Monday – Friday 8:30 am to 5:00 pm)

www.illinois.gov/sexualharassment

Adopted: 12/21/2004

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