

Description:		DISCRIMINATION/HARASSMENT POLICY		Policy Number: 62-14	
	WINNEBAGO COUNTY			Revision Date:	4/14/17
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I. POLICY

Winnebago County strives to maintain a workplace that fosters mutual employee respect and promotes a harmonious, productive working environment. Winnebago County is committed to maintaining a work environment that is free of discrimination and harassment.

In keeping with that commitment, Winnebago County prohibits discrimination and/or harassment that is based on sex, race, religion, gender identity, color, citizenship status, pregnancy, ancestry, order of protection status, arrest record, national origin, age, sexual orientation, physical or mental disability, military status, unfavorable discharge from military service, marital status, genetic information, or any other class protected by federal or state law, now or in the future. Winnebago County further prohibits discrimination and/or harassment that is perceived as creating a hostile work environment. Discrimination and/or harassment in any form constitute misconduct that undermines the integrity of the workplace.

II. SCOPE

This policy applies to every employee, elected official, contractor, volunteer, and intern throughout Winnebago County and all individuals who may have contact with any employee of this organization as a result of County business operations.

III. DEFINITIONS

As used in this document, the following definitions shall apply:

A. Complaint

A formal or informal allegation of discrimination or harassment by an employee, including the filing of a grievance

B. Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual harassment of a sexual nature which is so frequent or severe that it creates a hostile or

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offensive work environment or which results in an adverse employment decision.

C. Harassment

Unwelcome conduct based on a protected class which is unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive.

D. Discrimination

Treating a person or group of people differently because of their membership in a protected class.

IV. GENERAL PROVISIONS

A. Sexual harassment is a form of misconduct which undermines the integrity of the employer-employee relationship and is prohibited at all times.

B. Sexual harassment may include behaviors that range from subtle to overt and may involve individuals of the same or different gender. Some examples of these behaviors are:

1. Unwanted sexual advances or requests for sexual favors;
2. Sexually-oriented kidding or abuse;
3. Unwelcome physical contact;
4. Submission to or rejection of conduct is made either explicitly or implicitly a term or condition of an individual's employment;

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5. Demand for sexual favors, which may be accompanied by implied or overt promises of preferential treatment or threats concerning an individual's employment status;
6. Sexual jokes and innuendo;
7. Verbal abuse of a sexual nature;
8. Commentary about an individual's body, sexual prowess or sexual deficiencies;
9. Leering, catcalls, whistling, or touching, pinching or brushing the body;
10. Suggestive or insulting or obscene comments or gestures;
11. Displays or circulation in the workplace of sexually suggestive objects, contents, slogans, or pictures (including through e-mail);
12. Other physical, verbal or visual conduct of a sexual nature.

C. Non-sexual conduct can also constitute a violation of applicable law when such conduct is directed at a person because of his or her gender.

D. Harassment on the basis of any protected characteristic is strictly prohibited. Any verbal or physical conduct that denigrates or shows hostility toward an employee because of the employee's race, color, religion, sex, national origin, age, handicap/disability, ancestry, pregnancy, sexual orientation, gender identity, marital status, citizenship status, order of protection status, arrest record, unfavorable discharge from the military, mental or physical disability unrelated to a person's ability to perform the essential functions of the job, genetic information, or any other characteristic protected by federal or state law. Harassing conduct includes, but is not limited to:

1. Epithets, slurs or negative stereotyping;

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2. Threatening, intimidating or hostile acts;
3. Denigrating jokes, and ;
4. 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 email, voice mail, or similar systems). There shall be no distinction between someone who originates, sends, or forwards such material and one who receives such material and fails to take any action regarding its receipt.

E. Each employee shall assist in the prevention of harassment through the following acts:

1. Refraining from participation in or encouragement of actions that are or could be perceived as harassment;
2. Reporting acts of harassment to a supervisor;
3. Encouraging any employee who confides that he or she is being harassed to report these acts to a supervisor.

F. This policy is not intended to preclude any employee from filing a complaint or grievance with an appropriate outside agency.

V. PROHIBITED ACTIVITIES

A. 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 harassment of any kind shall be subject to disciplinary action, up to and including termination.

B. Winnebago County 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. Retaliation against any individual for reporting harassment or discrimination, or participating in an

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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.

VI. EMPLOYEES’ RESPONSIBILITIES

- A. If an employee is the subject of or witnesses harassment or discrimination of any kind, he or she should deal with the incident(s) as directly and firmly as possible by clearly communicating his or her position to the offending person, and to his or her immediate supervisor or Dept. Head or the Winnebago County Human Resources Dept.. In cases which involve complaints against elected officials covered under this policy, an employee may also inform the State’s Attorney’s Office. It is not necessary that the harassment be directed at the employee in order to make a complaint through the procedures set forth below.

- B. The employee and the individual to whom the harassment is reported should document or record the facts surrounding each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident.)
 - 1. Written records such as letters, notes, memos, emails, and telephone messages can strengthen documentation.

- C. If there is harassing or discriminatory behavior in the workplace, the employee may directly and clearly express their objection to the offending person(s) regardless of whether the behavior is directed at them.
 - 1. If the employee is being harassed, he or she should clearly state that the conduct is unwelcome and the offending behavior must stop.
 - 2. However, the employee is not required to directly confront the person who is the source of his or her report, question, or complaint before notifying any of the individuals listed in Section A above.

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3. The initial communication may be oral, but documentation of the notice should be made. If subsequent communication is needed, it should be put in writing.

D. Employees who have witnessed or experienced conduct they believe is contrary to this policy are encouraged to use this reporting procedure. An employee's failure to follow this procedure could affect his or her right to pursue legal action.

E. Failure by an employee to report known harassment may be grounds for discipline, up to and including termination.

VII. SUPERVISOR'S RESPONSIBILITIES

A. Each supervisor shall be responsible for addressing and preventing acts of harassment. This responsibility includes:

1. Monitoring the work environment on a daily basis for signs that harassment may be occurring.
2. Counseling all employees on the types of behavior prohibited and the organization's procedure for reporting and resolving complaints of harassment.
3. Stopping any observed acts that may be considered harassment and taking immediate and appropriate corrective action, whether or not the involved employees are within his or her line of supervision.
4. Taking immediate action to limit the work contact between two employees when there is a pending investigation of harassment involving those employees.

B. Every supervisor has the responsibility to assist any employee who comes to that supervisor with a complaint of harassment in documenting and filing a complaint as outlined in this policy.

C. Any supervisor who becomes aware of any possible sexual or other unlawful harassment of or discrimination against any employee must immediately advise his

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or her Dept. Head, the Human Resources Dept., or the State’s Attorney’s Office, who will timely initiate an investigation into the conduct.

VIII. COMPLAINT PROCEDURES

- A. Winnebago County strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender’s identity or position. While no fixed reporting period has been established, the prompt reporting of complaints or concerns allows for rapid and constructive action.
- B. An employee who believes that he or she is being harassed or discriminated against should promptly report the offending behavior to a supervisor or Dept. Head so that steps may be taken to protect the employee from further harassment or discrimination and appropriate investigative and disciplinary measures may be initiated. If reporting to a supervisor or Dept. Head is not practical, if the employee feel uncomfortable doing so, or if the supervisor and/or Dept. Head is the source of the problem, condones the problem, or ignores the problem, the report should be made directly to the Winnebago County Human Resources Dept. or the State’s Attorney’s Office.
- C. The availability of this reporting procedure does not preclude employees who believe they are being subjected to harassment or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued. However, employees are not required to communicate directly with the offender.
- D. The supervisor or other person taking the complaint shall interview the complaining employee and document, in writing, the details and nature of the incident(s). The documentation shall contain the following, at a minimum:
 - 1. Statement of the facts upon which the complaint is based;
 - 2. Person(s) performing, participating in, or witnessing the harassment;
 - 3. Description of specific wrongful act(s) and harm done;

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4. Date(s) on which it occurred;
5. Any particular remedy or adjustment sought;
6. The time and date the complaint was brought to the attention of the supervisor or other person taking the complaint, along with any action taken.

E. The person taking the complaint shall promptly forward the documentation to the Human Resources Dept. or State’s Attorney’s Office for review.

IX. INVESTIGATION OF COMPLAINT

A. The Winnebago County Human Resource Dept., or in some instances, the State’s Attorney’s Office, is responsible for the prompt coordination of the investigation into any complaint alleging harassment or discrimination.

1. At no time will employees involved in the alleged harassment or discrimination conduct the investigation.
2. The investigating department will make every reasonable effort to conduct the investigation in a responsible and confidential manner; however, it is impossible to guarantee absolute confidentiality.
3. The investigating department reserves the right to use an outside agency to investigate claims of harassment or discrimination.
4. As with any investigation of workplace misconduct, all employees must fully cooperate and provide truthful information or risk disciplinary action, up to and including termination.

B. If the complaint contains evidence of possible criminal activity, the investigator shall notify and confer with the offices of the State’s Attorney and the Sheriff.

C. When appropriate, the investigation shall include an inquiry into whether other employees are being harassed or discriminated against by the individual and

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whether other personnel participated in or encouraged the harassment or discrimination.

- D. A report shall be completed with a conclusion that the allegation(s) are founded or unfounded.
- E. If the allegation(s) are founded, the report shall include any recommended remedies or adjustments, including training, referral to counseling or EAP, and/or disciplinary action, up to and including termination. If it is determined disciplinary action is warranted, the appropriate procedure shall be followed.
- F. The complainant shall be able informed, in writing, of the outcome of the investigation.

X. FALSE AND FRIVOLOUS COMPLAINTS

Given the possibility of serious consequences for an individual accused of sexual or other forms of harassment or discrimination, employees who make complaints in bad faith or otherwise file false or frivolous charges may be guilty of severe gross misconduct and may be subject to disciplinary action, up to and including termination.

XI. DISCIPLINE/SANCTIONS

Disciplinary action will be taken against any employee found to have engaged in discrimination, sexual harassment or other forms of harassment prohibited under this Policy. Violations of the Discrimination/Harassment Policy are subject to disciplinary action, up to and including termination of employment. In some instances, a violation of this policy may also subject the employee to civil and/or criminal penalties, fines and other sanctions.

Where a hostile work environment has been found to exist, Winnebago County will take all reasonable steps to eliminate the conduct creating such an environment.

XII. ADMINISTRATIVE CONTACTS

While Winnebago County will strive to resolve any complaints of harassment or discrimination within the organization, the County acknowledges an employee's right

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to contact federal and state entities for purposes of discussing and potentially, filing a formal complaint. Contact information for those state and federal agencies is set forth below:

Illinois Department of Human Rights

- (312) 814-6200 Chicago
- (866) 740-3953 TTY Chicago
- (217) 785-5100 Springfield
- (866) 740-3953 TTY Springfield

Illinois Human Rights Commission

- (312) 814-6269 Chicago
- (312) 814-4760 TTY Chicago
- (217) 785-4350 Springfield
- (217) 557-1500 TTY Springfield

Equal Employment Opportunity Commission

- (800) 669-4000 Chicago
- (312) 869-8001 TTY Chicago
- (844) 234-5122 ASL video