

3 ANTI-DISCRIMINATION/ANTI-HARASSMENT/ANTI-RETALIATION IN THE WORKPLACE.

3.1 Statement of Policy: The Village is committed to maintaining a professional work environment that is free from discrimination, harassment, retaliation and similar offensive or inappropriate conduct. Although some conduct may not rise to the level of unlawful harassment from a legal perspective, the Village wants to protect its employees from such conduct and prevent conduct from becoming severe or pervasive enough to alter the conditions of an employee's employment, create a hostile working environment, or result in a tangible adverse employment action. Accordingly, the Village has adopted a zero-tolerance policy against harassment. This policy forbids an employee, elected official, vendor, client, customer or other person, from engaging in such conduct. It is the right of each individual employee to work in an environment free from harassment.

3.2 Prohibition: This policy prohibits harassment or other workplace discrimination based on a person's protected status under state and federal law. This includes conduct, whether verbal, physical, or visual, that denigrates or shows hostility or aversion toward an individual based upon that person's actual or perceived race, sex (including, gender, sexual orientation, and gender identity), age, color, religious affiliation, national origin, disability, ancestry, marital status, military status, genetic information, or other legally protected status. The Village will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

A. The harassing conduct forbidden by this policy specifically includes, but is not limited to:

1. Epithets, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status.
2. Written or graphic material circulated, available on the Village's computer system, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.
3. Jokes, kidding, teasing, or practical jokes directed at a person based on his or her protected status.
4. Any employee mocking or belittling any other employee in such a manner that has the purpose or effect of interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment.
5. Retaliation against another employee for reporting acts of harassing conduct.

B. The Village discourages any such conduct in the workplace, and this policy prohibits harassment based on an individual's protected status, even if it does not rise to the level of a legal violation.

C. Sexual Harassment: Sexual harassment includes any harassing conduct based on gender, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender is also forbidden by this policy regardless of whether the individual engaged in harassment and the individual being harassed are of the same or different genders.

1. Unwelcome sexual advances, requests for sexual favors, or other verbal, physical, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term of employment, (2) submission to or rejection of the conduct is used as a basis for an employment decision affecting an individual (tangible employment action), or (3) conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.
2. This policy forbids harassment based on gender regardless of whether it rises to the level of a legal violation.
3. The Village considers the following conduct to represent some of the types of sexually harassing conduct that violate the Harassment Policy:

I. Preferential treatment and promises of a preferential treatment to an employee for submitting to sexual conduct.

II. Verbal harassment, such as sexual innuendoes, suggestive comments, insults, comments on sexual preference, humor and jokes about sex, anatomy, or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements of a sexual nature about other employees, even outside of their presence

III. Non-verbal harassment, such as suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls," "smacking" or "kissing" noises, or winking

IV. Visual harassment, such as posters, signs, pin-up, slogans of a sexual nature, overt display of pornographic photographs, or literature in the workplace

V. Physical harassment, such as: inappropriate touching or feeling of another person, unwelcome hugging or kissing, patting, pinching, grabbing, brushing against another person's body, coerced sexual contact or intercourse, or sexual assault or sexual battery.

D. Compliance with Policy: Everyone at the Village can help assure that this workplace is free from prohibited discrimination or harassment. Everyone is expected to avoid any behavior or conduct that

could reasonably be interpreted as prohibited harassment under this policy. No employee or elected/appointed official is exempt from the requirements of this policy.

1. The Village expects employees to inform others in the workplace whenever their conduct is unwelcome, offensive or inappropriate.
2. In addition, employees may come forward with complaints about alleged problems or violations of this policy at any time through the procedure below. Employees are expected to come forward promptly and report any problems pursuant to this policy before the alleged offending behavior becomes severe or pervasive. Prompt reporting is very important so that the Village can take action to stop the conduct before it is repeated.
3. Complaints need not be limited to someone who was the target of the alleged offending conduct. Anyone who has observed an alleged violation of the policy is also encouraged to report such conduct.

3.3 Internal Complaint Procedure.

- A. If an employee or other person covered by this policy experiences or witnesses any conduct that he or she believes is inconsistent with this policy, the Village expects the person to promptly notify Human Resources, the Village Manager, an employee's Supervisor, or Department Head. This may be done in writing or orally. Any supervisor or Department Head who receives a complaint or observes conduct which may violate this policy, must immediately report the complaint or observation to Human Resources (the Assistant to the Village Manager), or the Village Manager. This policy does not require reporting harassment or discrimination to any individual who is creating the harassment or discrimination.
- B. Persons who believe they have been subjected or exposed to discrimination or harassment prohibited by this policy have the right to have any such activity terminated immediately. The Village may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place.
- C. The Village Manager or his/her designee will investigate all complaints of conduct that is inconsistent with this policy, promptly and thoroughly. This investigation will include, but is not limited to, interviewing the complaining party, supervisors, and any other personnel, as required, to obtain sufficient factual information upon which to make a determination. In all cases the investigation will be conducted by a person or persons who are not involved in the alleged prohibited conduct. Before making any final determination, the person accused of violating the policy will, whenever practical, be notified and afforded an opportunity to respond to the allegations.

- D. The Village wishes to create a safe environment in which individuals are not afraid to discuss concerns and complaints, or to seek general information about discrimination, harassment, and retaliation. The Village recognizes that individuals may be concerned about the confidentiality of information they share, and it will strive to preserve confidentiality to the extent possible. The Village is legally obligated to investigate and correct conduct that violates this policy once it is informed that discrimination, harassment or retaliation has occurred or may be occurring, and full confidentiality cannot be guaranteed.
- E. If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the Village will take corrective action regardless of the positions of the parties involved. While corrective action is intended to end inappropriate conduct in the workplace, discipline up to and including termination, may be appropriate under the circumstances. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of policy. If the person who engaged in harassment is not an employee of the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances.

3.4 External Complaint Procedures.

While the Village hopes that an incident of discrimination, harassment, and/or retaliation can be resolved through the internal complaint procedures, all employees have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC) within 300 days of the incident. In addition, an appeal process is available through the Illinois Human Rights Commission (IHRC) after the IDHR has completed its investigation of the complaint. Employees can contact these agencies at:

Illinois Department of Human Rights
555 W. Monroe St., Ste. 700
Chicago, IL 60601
(312) 814-6200

Equal Employment Opportunity Commission
230 S. Dearborn St., Ste. 1866
Chicago, Illinois 60604
(312) 353-2713

Illinois Human Rights Commission
100 W. Randolph Street, Suite 5-100
Chicago, Illinois 60601
312.814.6269

3.5 False and/or Frivolous Complaints: It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment.

It does not refer to charges made in good faith which cannot be proven. A false and frivolous charge is a severe offense that can itself result in disciplinary action to the person making such false and/or frivolous charge.

3.6 Retaliation: The Village has a strict anti-retaliation policy and all employees should be advised that retaliation will not be tolerated against any person who has filed a complaint in regards to harassment, discrimination or retaliation; or who assists or cooperates in an investigation of a complaint by someone else, whether internally or with an external agency; or who files a charge of discrimination or harassment or retaliation; or who otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws.. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Retaliation will result in severe discipline, up to and including termination. Anyone experiencing or witnessing any conduct he or she believes to be retaliatory should immediately report such conduct using the complaint process set forth in above.

3.8 Elected Official Complaint Process: Because the Village promotes civility and respectful interactions at all levels of the organization, it is critical that elected and appointed officials understand their responsibility to comply with this policy. Elected and appointed officials are also expected to treat each other in a manner consistent with this policy. Any elected or appointed official who believes they have experienced prohibited conduct by another elected or appointed official that is inconsistent with this policy may notify the Village Manager or the Assistant Village Manager. After receiving the complaint, the Village will initiate an investigation through the use of an independent investigator experienced in investigating workplace harassment complaints.

4 AMERICANS WITH DISABILITIES ACT.

4.1 Statement of Policy: It is the policy of the Village not to discriminate against any individual seeking to participate in or benefit from any Village program, service or activity because of a physical or mental disability. Further, it is the policy of the Village not to discriminate against any employee or applicant for employment because of a physical or mental disability for positions for which the employee or applicant otherwise is qualified. In the context of employment, a qualified individual is one who with or without reasonable accommodation, can perform the essential functions of the job in question; safely and effectively. The Village will make reasonable accommodation to the known physical and mental limitations of employees and applicants, consistent with the qualifications required for the work to be performed, and with the effective operation of the Village. If an employee has a disability and requires accommodation in order to perform the essential functions of his or her job, the employee should contact Human Resources to request such an accommodation. The Village will engage in an interactive process with the employee to identify the barriers, if any, that are interfering with the employee's ability to perform the essential job functions and whether any reasonable