

ARTICLE I – SEXUAL HARASSMENT POLICY

6-1-1 STATEMENT OF POLICY. It is the policy of Adams County to provide a work environment free of sexual harassment. Adams County complies with the State of Illinois Public Act 100-0554 that requires governmental units to adopt a sexual harassment policy by either an ordinance or resolution, that complies with the law's new requirements. Adams County has adopted such Resolution (see link below).

[Adams County Anti-Harassment Policy – Resolution #2018-01-001-002](#)

ANTI-HARASSMENT POLICY

Sexual and other harassment is a violation of Title VII of the Civil Rights Act of 1964 (Title VII), as amended, as well as the Illinois Human Rights Act. Harassment based on a characteristic protected by law, such as race, color, ancestry, national origin, gender, sex, sexual orientation, gender identity, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law, is prohibited.

It is the policy of Adams County to provide a work environment free of sexual and other harassment. Harassment of Adams County employees by management, supervisors, coworkers, or nonemployees who are in the workplace is absolutely prohibited. Further, any retaliation against an individual who has complained about sexual or other harassment, or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. Adams County will take all steps necessary to prevent and eliminate harassment.

Definition of Harassment

“Harassment” is conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of substantially and unreasonably interfering with an individual’s work performance; or otherwise adversely affects an individual’s employment opportunities because of the individual’s membership in a protected class.

Unlawful harassment includes, but is not limited to, epithets; slurs; jokes; pranks; innuendo; comments; written or graphic material; stereotyping; or other threatening, hostile, or intimidating acts based on race, color, ancestry, national origin, gender, sex, sexual orientation, marital status, religion, age, disability, veteran status, or other characteristic protected by state or federal law.

Definition of Sexual Harassment

All County officials, County agents, County employees and County agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. “Sexual harassment” is generally defined under both state and federal law as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

Other sexually oriented conduct, whether intended or not, that is unwelcome and has the effect of creating a work environment that is hostile, offensive, intimidating, or humiliating to workers may also constitute sexual harassment.

The following are some examples of conduct that, if unwelcome, may constitute sexual harassment depending on the totality of the circumstances, including the severity of the conduct and its pervasiveness:

- **Verbal:** Sexual epithets, jokes, oral references to sexual conduct, comments about an individual's body or sexual activities, unwanted sexual advances (whether they involve physical touching or not), suggestive or insulting comments, or repeated requests for dates.
- **Non-Verbal:** Unwelcome leering; suggestive or insulting sounds such as whistling, smacking or kissing noises; or sexually suggestive bodily gestures.
- **Visual:** Displaying sexually suggestive objects, pictures, signs, or slogans; viewing pornographic material or websites.
- **Physical:** Brushing up against the body; unwelcome touching, hugging or kissing; pinching or bruising the body; any coerced sexual act; or an actual assault.
- **Textual/Electronic:** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment and retaliation against individuals for cooperating with an investigation of sexual harassment complaint is unlawful and will not be tolerated by Adams County.

Procedures for Filing a Complaint

Any employee who believes he or she has been subject to or witnessed illegal discrimination, including sexual or other forms of unlawful harassment, is requested and encouraged to make a complaint. Similarly, if you observe acts of discrimination toward or harassment of another employee, you are requested and encouraged to report this to one of the individuals listed below.

- **Direct Communication:** You may, but are not required to, complain first to the person you feel is discriminating against or harassing you.
- **Contact Supervisory Personnel:** You may complain directly to your immediate supervisor, or any other member of management with whom you feel comfortable bringing such a complaint. If the harasser is the immediate supervisor, you may complain to the next level of supervision, or to the County Board Executive Assistant.
- **Formal Complaint:** An employee may also report incidents of sexual harassment directly to the County Board Executive Assistant, who will counsel the reporting employee and be available to assist with filing a formal complaint. The County will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.
- **Resolution Outside the County:** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the County. However, all County employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An

IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

- Illinois Department of Human Rights (IDHR) - Springfield: 217-785-5100
- U.S. Equal Employment Opportunity Commission (EEOC) – Chicago: 800-669-4000

Prohibition on Retaliation

No County official, agency, or employee shall take any retaliatory action against any County employee due to an employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

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 County 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.

False and Frivolous Complaints

False and frivolous complaints 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. Given the seriousness of the consequences for the accused, false and frivolous charge is a severe offense that can itself result in disciplinary action.

Disciplinary Action

All complaints will be investigated promptly and, to the extent possible, with regard for confidentiality.

If the investigation confirms conduct contrary to this policy has occurred, Adams County will take immediate, appropriate, corrective action, including discipline up to and including immediate termination.

(Resolution #2018-01-001-002)

ACKNOWLEDGEMENT OF INFORMATION REGARDING ANTI-HARASSMENT POLICY

I, _____, acknowledge that I have received, read, and understand the policy of Adams County against sexual and other harassment.

Date: _____

Employee's Signature: _____

Employee's Name (Please Print): _____

Department: _____