

**Village of Mount Prospect**  
**Mount Prospect, Illinois**



**ANTI-DISCRIMINATION AND HARASSMENT POLICY**

**POLICY STATEMENT**

The Village of Mount Prospect is committed to taking appropriate steps to ensure that employees enjoy a comfortable working environment and to help ensure that all employees are treated with respect and dignity. Maintaining a workplace of openness and trust in which employees can work productively, efficiently and in an environment free from harassment is vitally important to this ongoing effort. Therefore, harassment and discrimination will not be tolerated at any level by any employee, visitor, vendor or customer and/or at any location in which we conduct our business activities. This policy is binding at all levels within the workplace. Through enforcement of this Policy and by education of employees, the Village will seek to prevent, remedy/correct and discipline (when appropriate) behavior that violates this Policy.

This Policy covers all employees of the Village of Mount Prospect. The Village will not tolerate, condone, or allow harassment or discrimination, whether engaged in by fellow employees or supervisors. Nor will the Village tolerate such conduct when it involves Village employees, Village officials, visitors, residents and outside vendors or customers (including job applicants, contractors or vendor personnel) who conduct business with the Village. This Policy applies to conduct occurring within the workplace itself and at other work-related settings such as Village business trips and/or Village business-related social events.

The Village fully supports and encourages the reporting of all incidents of harassment, regardless of who the offender may be. Reports of any violations of this Policy should be reported to management as soon as they occur by utilizing the complaint procedure set forth, in this document. Be assured that no retaliation will be taken or tolerated against any person who exercises his/her rights under this Policy and/or any person who participates as a witness in an investigation of a Policy violation. Further, under the Illinois Human Rights Act (775 ILCS 5/6), the Illinois Whistleblower Act (740 ILCS 174/5), and the State Employee Ethics Act (5 ILCS 430) it is a crime to retaliate, or to conspire to retaliate, against an employee because the employee has opposed an action that the employee reasonably believes to be unlawful discrimination or harassment or because the employee has participated in an investigation of harassment or discrimination. However, an employee who knowingly makes a false report of harassment will be subject to discipline.

In an effort to help prevent all forms of harassment and discrimination from occurring, this Policy forbidding harassment and discrimination will be communicated to each employee. No employee of this Village is exempt from this Policy. Based upon the seriousness of the

offense and all of the facts involved, disciplinary action may include verbal or written reprimand, suspension, and/or up to and including termination of employment. We will consider all of the circumstances involved to determine the most appropriate way to remedy a complaint.

It is the Village's Policy to comply with all applicable statutes and regulations regarding anti-discrimination, and any form of unlawful harassment, including sexual harassment. We are committed to adhering to all such laws.

## **PROHIBITED CONDUCT**

### **1     Discrimination:**

- a.     It is a violation of this Policy to discriminate in the terms of employment opportunities, benefits or privileges, to create discriminatory work conditions, or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, sex, national origin, age, religion, disability, gender, sexual orientation, marital status, civil union status, pregnancy, childbirth, or medical condition related to pregnancy or childbirth, or parental status, or U.S. military or veteran status (or other legally protected category). As used in this Policy, the phrase "marital status" and "civil union" status refers to same sex spouses and same sex civil union partners.
- b.     Discrimination of this kind may also be strictly prohibited by a variety of federal, state, and local laws, including Title VII of the Civil Rights Act 1964; the Age Discrimination Act of 1967 as amended; and the Americans with Disabilities Act of 1990 and the ADA Amendments Act ("ADA"). This Policy is intended to comply with the prohibitions stated in these anti-discrimination laws.
- c.     Based upon the seriousness of the offense and the circumstances involved, disciplinary action for a violation of this Policy may include verbal or written reprimand, suspension, and/or up to and including termination of employment for even the first offense if deemed warranted by management.

### **2     Harassment:**

This Policy prohibits harassment of any kind, and the Village will take appropriate action to address and remedy any violations of this Policy. Harassment based on race, color, sex, national origin, age, religion, disability, gender, sexual orientation, marital status, civil union status, pregnancy or pregnancy related medical condition, , or parental status, U.S. military or veteran status, or any other legally protected category is prohibited at the Village of Mount Prospect.

The definition of harassment includes verbal or physical conduct designed to threaten, intimidate or coerce. The definition also includes verbal taunting

(including racial and ethnic slurs) which, in the employee's opinion, impairs his or her ability to perform his or her job.

Examples of harassment include (without limitation):

- a. Verbal: Derogatory comments regarding a person's race, color, sex, national origin, age, religion, disability status, sexual orientation, disability, appearance, epithets, slurs, negative stereotyping, pregnancy or pregnancy related medical conditions based on any legally protected category.
- b. Non-verbal: Distribution, display or discussion of any written or graphic material that ridicules, denigrates insults, belittles, or shows hostility or aversion toward an individual, or group because of national origin, race, color, religion, age, sex, sexual orientation, pregnancy or pregnancy related medical conditions, appearance, disability, marital or civil unions status and/or other legally protected status.

Based upon the seriousness of the offense and the circumstances involved, disciplinary action may include verbal or written reprimand, suspension, and/or up to and including termination of employment for even the first offense if deemed warranted by management.

### 3 Sexual Harassment

Sexual harassment in any form is prohibited under this Policy. Sexual harassment is a form of discrimination and is unlawful under Title VII of the Civil Rights Act of 1964, the Illinois Human Rights Act and the Cook County Human Relations Ordinance. According to the Equal Employment Opportunity Commission (EEOC), sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

Sexual harassment can include unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- a. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment, or
- b. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual; or
- c. Such conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or otherwise offensive environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following (not all inclusive):

- The victim as well as the harasser may be a woman or a man. The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome to be unlawful (therefore, you are urged to tell the other person involved if you are offended or if any comment is unwelcome).

Harassment, particularly sexual harassment, can take a variety of forms including, but not limited to slurs, jokes, insults or pictures. The following is a non-inclusive list of some examples of prohibited conduct:

- Physical assaults such as rape, sexual battery or attempts to commit these acts;
- Physical conduct which is sexual in nature, such as unwelcome touching, pinching, patting, brushing against or poking another's body;
- Persistent or repeated unwelcome flirting, pressure for dates, sexual comments;
- Jokes or degrading comments about another based on one's personal attributes or sexually suggestive jokes or gestures directed toward another;
- Display of pictures, posters, calendars, graffiti or other materials, whether printed, visual or electronic, or objects that are sexually suggestive, sexually (or otherwise) demeaning, or pornographic;
- Offensive physical actions, written or spoken, and graphic communication (e.g. obscene hand or finger gestures or sexually explicit drawings);

- Preferential treatment, or a promise of preferential treatment, in exchange for dates or sexual conduct; or the denial or threat of denial of employment benefits or advancement for refusal to consent to sexual advances.

Based upon the seriousness of the offense and the circumstances involved, disciplinary action may include verbal or written reprimand, suspension, and/or up to and including termination of employment.

Employees are expected to conduct themselves in an appropriate business manner while on Village business or while representing the Village. The Village policy extends to all types of conduct which make employees uncomfortable at work based on a legally protected category – even if it does not rise to the level of unlawful conduct. Therefore, all forms of inappropriate or unprofessional conduct should be avoided as they may be in violation of this Policy. Even if the conduct does not result in unlawful harassment, it may be the basis of disciplinary action to remedy the situation.

If you have a question about what conduct is welcome or acceptable, speak with your supervisor in advance for guidance.

#### 4 Reasonable Accommodations

We also are committed to providing reasonable accommodations to our employees who are disabled, pregnant and/or have a medical condition related to pregnancy or childbirth in order to assist the employee in the performance of his/her essential job functions. Employees who are in need of a reasonable accommodation are urged to discuss their request with their immediate supervisor, Department Head or the Human Resources Director. In most cases, the employee will be asked to participate in an interactive discussion to share ideas about the types of reasonable accommodation that are available to ensure that there is not an undue hardship to the Village's business operations. An employee seeking a reasonable accommodation will not be subject to retaliation of any kind.

### **COMPLAINT PROCESS**

#### A. Employee Reporting

Employees witnessing and/or experiencing any conduct which might be offensive to others, or conduct that could potentially be in violation of this Policy, are encouraged to tell the individual engaging in the conduct that it is unwelcome. Regardless of whether an employee tells an employee that the conduct is unwelcome, all employees are strongly encouraged to use the following complaint procedure to help ensure the matter is promptly addressed: Employees are permitted to submit confidential reports of harassment, however, employees are encouraged to provide as much information as possible so that the Village can effectively investigate any allegations.

Prompt reporting of complaints pursuant to this Policy is encouraged so that prompt response and appropriate action may be taken. Ideally, any person offended by a violation of this Policy is encouraged to report the matter before leaving work for the day so that the information and facts involved can be preserved and properly investigated while memories are fresh. In all cases, we encourage employees to report all complaint allegations within five (5) working days of the incident. While we will, of course, accept complaint allegations beyond this five (5) day period, any delay in reporting the incident may impede our ability to properly investigate and remedy the situation. If there was some reason that you were not able to promptly report the complaint, please be sure to share that reason with management so that the information can be properly considered (if appropriate) as part of the investigation.

B. Supervisory Responsibility

Management and supervisory employees or employees serving in a supervisory capacity have the special responsibility to act promptly to attempt to prevent and eliminate any discrimination, harassment or retaliation, which exists in their areas of responsibilities. If a management or supervisory employee knows or has reason to believe that discrimination, harassment or retaliation is occurring or may have occurred, and/or if a member of management (including supervisors) receive information that discrimination, harassment or retaliation might be occurring, he or she must take immediate action to address the problem to ensure the matter is promptly investigated and remedied (if appropriate) by the Village's Human Resources Department (or designee, if appropriate and approved by the Village Manager).

C. Reporting the Incident

All employees should promptly report a possible violation of this Policy to any of the following persons:

1. Their immediate supervisor if the employee feels comfortable doing so or the employee's Department Director if the employee prefers.
2. The employee also has a right to report the incident to the Human Resources Director or Personnel Assistant (without reporting to the supervisors in advance).
3. If for some reason the employee is not comfortable discussing the complaint allegations with the supervisor, Department Director or Human Resources department staff, the employee is free to address the issue directly with the Assistant to the Village Manager.

D. Investigation of the Complaint

Upon notification of a complaint, the Human Resources Director (or designee) will initiate an investigation of the complaint allegations. If necessary and appropriate, a supervisory/ management representative also may be designated to assist in the investigation.

The investigation may include:

- A. An interview with the employee(s) who made the initial report;
- B. An interview with the person(s) toward whom the suspected harassment or discrimination was directed;
- C. An interview with the individual alleged to have engaged in the harassment or discrimination, if sufficient evidence is presented indicating that some form of harassment or discrimination has or may have occurred;
- D. An interview with any other person(s) who may have information relevant to the alleged harassment or discrimination.

E. Final Determination

The Human Resources Director (or designee) normally will determine whether this Policy was violated or not. In some cases, the decision will be made by the Village Manager (or designee).

F. Resolving the Complaint

When the investigation of a discrimination or harassment complaint has been concluded and the matter remedied, the Village will communicate to the complainant that the investigation has concluded.

If the investigation determines that discrimination or harassment occurred, the offender may be subject to disciplinary action or other appropriate action to remedy the matter. If the complainant has any questions about the status of an investigation or the outcome of a complaint, he/she should seek clarification from Human Resources. Generally, no information will be available until the investigation is concluded except where necessary for safety reasons, etc.

G. Village Action without Complaint

If the Village has reason to believe (other than as a result of a complaint made under this Policy) that discrimination or harassment has occurred, it may independently initiate an investigation in its discretion. Above all, our goal is to ensure that complaints are thoroughly and promptly investigated so that the matter may be remedied if appropriate.

H. Confidentiality

The Village will make a reasonable effort to maintain confidence and limit the disclosure of information obtained through the course of an investigation to individuals with a business need to know the information. However, in the course of the investigation, details of the complaint may emerge as witnesses are interviewed. .

I. Disciplinary Action

After an appropriate investigation, any employee who is found to have violated this Policy (whether or not such conduct rises to the level of a violation of the law) may be subject to disciplinary action which may include verbal or written reprimand, suspension, and/or up to and including termination of employment for even the first

offense. The relative seriousness of the conduct, any past disciplinary action, documented participation in anti-discrimination/harassment training, and any other relevant information based on all of the circumstances involved will be considered when determining appropriate disciplinary action.

J. Protection against Retaliation

The Village of Mount Prospect will not in any way retaliate against or tolerate retaliation against an individual for having made a report of harassment under this Policy. No retaliation will be taken against any person who is a witness to or otherwise participates in any complaint investigation either. Retaliation is a serious violation of this Harassment Policy and should be reported immediately. Any person found to have retaliated against another individual in violation of this Policy will be subject to severe disciplinary action -- up to and including termination for even the first offense. Under the Illinois Human Rights Act (775 ILCS 5/6), the Illinois Whistleblower Act (740 ILCS 174/5), and the State Employee Ethics Act (5 ILCS 430), it is a crime to retaliate, or to conspire to retaliate, against an employee because the employee has opposed an action that the employee reasonably believes to be unlawful discrimination or harassment or because the employee has participated in an investigation of harassment or discrimination. However, an employee who knowingly makes a false report of harassment will be subject to discipline.

K. Appeal Process

If either party directly involved in the harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision in writing to the Assistant to the Village Manager or Village Manager within seven (7) calendar days of the date the investigation is closed. If no appeal is raised in that period of time, the Village will conclude that the parties and witnesses involved agree with the outcome of the investigation.

Note: Employees covered under a collective bargaining agreement must follow the grievance procedure as outlined in their contract in the event of a conflict between this policy and the collective bargaining agreement.

***Village of Mount Prospect*****Mount Prospect, Illinois****ANTI-DISCRIMINATION AND HARASSMENT****INITIAL INCIDENT REPORT**

|                                                                                    |                                                                                                                                           |                      |
|------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Today's Date:                                                                      |                                                                                                                                           |                      |
| <b>Complainant</b>                                                                 |                                                                                                                                           |                      |
| Name:                                                                              |                                                                                                                                           |                      |
| Department:                                                                        | Job Title:                                                                                                                                | Phone:               |
| Signature:                                                                         | <input type="checkbox"/> Employee <input type="checkbox"/> Customer<br><input type="checkbox"/> Contractor <input type="checkbox"/> Other |                      |
| Date of Incident                                                                   | Time of Incident                                                                                                                          | Location of Incident |
| Narrative of Occurrence (Summarize the incident in detail - please write legibly): |                                                                                                                                           |                      |
| Name(s) of witness(es):                                                            |                                                                                                                                           |                      |
|                                                                                    |                                                                                                                                           |                      |
|                                                                                    |                                                                                                                                           |                      |

\_\_\_\_\_  
Name of Complainant (Please print)\_\_\_\_\_  
Complainant's Signature\_\_\_\_\_  
Name of Supervisor/Department Head\_\_\_\_\_  
Signature

Please forward this completed form to an appropriate person as defined in the Anti-Discrimination and Harassment Policy, Section C – Reporting the Incident, in a prompt manner without fear of retaliation.