

CHAPTER 19

VILLAGE SEXUAL HARASSMENT POLICY

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1-19-1: ADOPTION OF SEXUAL HARASSMENT POLICY

The Village of East Alton reaffirms the principle that its employees have a right to be free from sex discrimination in the form of sex harassment by any other employee. When the authority and power inherent in supervisor/subordinate relationships, whether overtly, implicitly, or through misinterpretation are abused in this way, there is potentially great damage to individual employees, to the person complained of, and to the employment climate of the Village of East Alton.

It is the responsibility of each individual employee to refrain from sexual harassment, and it is the right of each individual employee to work in an environment free from sexual harassment.

1-19-2: DEFINITION OF SEXUAL HARASSMENT: According to the Illinois Human Rights Act, sexual harassment 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.
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.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991.

One such example is a case where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

1. Verbal: Sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy – or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
2. Non-Verbal: Suggestive or insulting sounds (whistling), leering obscene gestures, sexually suggestive bodily gestures, “catcalls”, “smacking”, or “kissing” noises.
3. Visual: Posters, signs, pin-ups, or slogans of a sexual nature.
4. Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

1-19-3: COMPLAINTS

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

1-19-4: PROCEDURES FOR FILING A COMPLAINT

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the supervisor and offending employee. It is not necessary for sexual harassment to be directed at the person making a complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such as letters, notes, memos, and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

The process for making a complaint about sexual harassment falls into several stages.

1. Direct Communication. If there is sexually harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome

and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.

2. Contact with Supervisory Personnel. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision.
3. Formal Written Complaint. An employee may also report incidents of sexual harassment directly to the supervisor. The supervisor will counsel the reporting employee and be available to assist with filing a formal complaint. The department will fully investigate the complaint, and advise the complainant and the alleged harasser of the results of the investigation.
4. Resolution Outside Department. It is hoped that most sexual harassment complaints and incidents can be resolved within the agency. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. 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.

An employee who is suddenly transferred to a lower paying job or passed over for promotion, after filing a complaint with the IDHR or the EEOC, may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.