



MEMORANDUM

To: CMAP Board

From: CMAP Staff

Date: March 7, 2018

Re: Resolution 2018-001, Adopting a Chicago Metropolitan Agency for Planning (CMAP) Non-Discrimination and Anti-Harassment Policy

On November 16, 2017, the state passed Public Act 100-0554, (the "Act"), which amends the State Officials and Employees Ethics Act, which pertains to government entities. The Act mandates that all governmental units adopt, which establishes a policy prohibiting sexual harassment with the following requirements:

1. A prohibition on sexual harassment;
2. Details on how an individual can report an allegation of sexual harassment;
3. A prohibition on retaliation for report sexual harassment allegations; and
4. The consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

Staff recommends that the Board adopt Resolution 2018-001, adopting a Chicago Metropolitan Agency for Planning (CMAP) Non-Discrimination and Anti-Harassment Policy that conforms to Illinois Public Act 100-0554, .

ACTION REQUESTED: Approval

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2018-001

Resolution

Adopting Chicago Metropolitan Agency for Planning (CMAP) Non-Discrimination and Anti-Harassment Policy

WHEREAS, the Illinois General Assembly recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017;

WHEREAS, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

WHEREAS, all prior existing sexual harassment policies of the Chicago Metropolitan Agency for Planning (CMAP) shall be superseded by the Non-Discrimination and Anti-Harassment Policy adopted by this Resolution; and

WHEREAS, should any section or provision of this resolution or the adopted Non-Discrimination and Anti-Harassment Policy be declared to be invalid, that decision shall not affect the validity of this resolution or adopted Non-Discrimination and Anti-Harassment Policy as a whole or any part thereof, other than the part so declared to be invalid.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF THE CHICAGO METROPOLITAN AGENCY FOR PLANNING (CMAP) THAT:

SECTION 1: The Board hereby adopts the Chicago Metropolitan Agency for Planning (CMAP) Non-Discrimination and Anti-Harassment Policy attached as Exhibit A.

SECTION 2: This Resolution shall be in full force and effect from and after its passage and approval in the manner provided by law.

Mayor Gerald R. Bennett, Chairman

<p><u>Department:</u> Administration</p> <p><u>Document Type:</u> Policy</p> <p><u>Title:</u> Non-Discrimination And Anti-Harassment Policy</p>	<p><u>Document ID:</u></p> <p><u>Creation Date:</u> 1/31/2018</p>
<p><u>Author:</u> J. A. Koepsel</p> <p><u>Initials:</u> Administration</p>	

Non-Discrimination and Anti-Harassment Policy

The Chicago Metropolitan Agency for Planning is committed to maintaining a work environment that is free of discrimination and harassment. CMAP will not tolerate discrimination against or harassment of our employees by anyone, including any supervisor, co-worker, vendor, customer, contractor, or other regular visitor of the Agency. Violation of this policy shall be considered grounds for disciplinary action up to and including termination.

Discrimination

Discrimination consists of employment actions taken against an individual based on a characteristic protected by law, such as sex, race, color, ancestry, national origin, citizenship status, religion, age, disability, marital status, sexual orientation, gender identity, pregnancy, military or veteran status, genetic information, order of protection status, or any other category protected by applicable law. In other words, discrimination occurs when an individual is treated differently or unequally because the individual is a member of a protected group.

Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status such as race, color, national origin, citizenship status, religion, sex, pregnancy, sexual orientation, gender identity, age, disability, marital status, military or veteran status, genetic information, order of protection status, or any other category protected by applicable law. CMAP will not tolerate harassing conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

The conduct forbidden by this policy specifically includes, but is not limited to: (a) epithets, slurs, negative stereotypes or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace that shows hostility toward a person because of their protected status.

Sexual Harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when made to an employee where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
2. Submission to or refusal to engage in such conduct is used as the basis for any 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.

Sexual harassment, as defined above, may include, but is not limited to:

1. Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, graphic or suggestive comments about an individual's dress or body; 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: sexually explicit objects, photographs, writings, or drawings, posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
4. Physical: unwelcome touching, such as hugging, kissing, patting, pinching or constant brushing against another's body, any coerced sexual act or actual assault; suggesting or demanding sexual involvement of another employee, whether or not such suggestion or demand is accompanied by implicit or explicit threats concerning one's employment status or similar personal concerns.
5. Textual or electronic: "sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language in communications, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

Even if two or more employees are engaging in consensual conduct, such conduct could constitute harassment of or discrimination against another employee who witnesses or overhears the conduct.

Reporting an Allegation

All CMAP employees share responsibility to help ensure that harassment and discrimination do not occur and are not tolerated. An employee who believes that he or she has been subjected to sexual or other types of harassment or discrimination, or who has witnessed harassment or discrimination, should immediately submit a complaint to their supervisor, the Human Resources Department, any Principal, Deputy or the Chief of Staff, or the Ethics Officer. Employees may use the Incident Reporting Form for the complaint.

Documentation of any incident may be submitted with any complaint (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

An employee who feels sexually harassed is encouraged to directly and clearly state 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. However, it is not necessary for any employee to directly confront the accused. A complaint may be filed directly with one of the individuals specified above.

The employee experiencing what they believe to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the Agency will not be presumed to have knowledge of the harassment.

A supervisor or manager who receives a complaint of harassment or discrimination directly from an employee, or becomes aware of such conduct, must immediately report the complaint or conduct to the Human Resources Department.

Investigation Procedure

The Human Resources Department will promptly investigate all complaints and make all reasonable efforts to resolve the matter. These efforts may include, but are not limited to, convening conferences with the complainant and/or the accused harasser/discriminator to discuss the complaint and the results of the investigation. If the complainant or the accused is not satisfied with the disposition of the investigation, they may submit in writing an appeal to the Principal, Human Resources or their designee, who will review the investigation report and make a final decision. At the Principal, Human Resources' option, they or their designee may conduct further investigation, if necessary.

CMAP will respect the right to confidentiality of both the complainant and the accused, consistent with CMAP's legal obligations, and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.

A substantiated complaint against an employee will subject the employee to disciplinary action, up to and including termination. If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate discipline, including the possibility of discharge.

Retaliation Prohibited

Reporting harassment or discrimination or participating in an investigation will not reflect adversely upon an individual's status or affect future employment. Any form of retaliation, including reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment, against an employee who reports harassment or discrimination or participates in an investigation is strictly prohibited by the Illinois Human Rights Act, the Illinois State Officials and Employees Act, the Illinois Whistleblower Act, Title VII of the Civil Rights Act of 1964, and CMAP policy. Any employee who retaliates against another for exercising his or her rights under this policy shall be subject to discipline, up to and including termination.

Resolution Outside CMAP

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. 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.

Contact Information:

Illinois Department of Human Rights (IDHR)

- Chicago: 312-814-6200 or 800-662-3942; TTY: 866-740-3953
- Springfield: 217-785-5100; TTY: 866-740-3953
- Marion: 618-993-7463; TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

- Chicago: 312-814-6269; TTY: 312-814-4760
- Springfield: 217-785-4350; TTY: 217-557-1500

United States Equal Employment Opportunity Commission (EEOC)

- Chicago: 800-669-4000; TTY: 800-869-8001