

## **POLICY REGARDING SEXUAL HARASSMENT IN EMPLOYMENT**

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FULL COMPANY NAME

### **I. STATEMENT OF COMPANY POLICY**

This company is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct which may result in disciplinary action up to and including dismissal. Sexual harassment could also subject this company and, in some cases, an individual to substantial civil penalties.

The company's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, the Illinois Human Rights Act and the Urbana Human Rights Ordinance.

Each employee of this company bears the responsibility to refrain from sexual harassment in the workplace. No employee, male or female, should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner.

All employees of this company, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

### **II. 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 Civil Rights Act of 1964, as amended in 1991.

Conduct commonly considered to be sexual harassment includes:

\* Verbal: sexual innuendos, 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 their presence, of a sexual nature.

\* Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises

\* Visual: posters, signs, pin-ups or slogans of a sexual nature.

\* 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.

### III. RESPONSIBILITY OF INDIVIDUAL EMPLOYEES.

Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accord with the company's disciplinary policy and the terms of any applicable collective bargaining agreement.

The company has designated \_\_\_\_\_(Name), \_\_\_\_\_(Title) to coordinate the company's sexual harassment policy compliance. Mr./Ms. \_\_\_\_\_ can be reached at \_\_\_\_\_ (Address and Telephone).

[NOTE: Insert the name of the company's EEO Officer, Human Resource Administrator, Personnel Officer, or other person designated by company management to coordinate compliance with this policy] He/She is available to consult with employees regarding their obligations under this policy.

### IV. RESPONSIBILITY OF SUPERVISORY EMPLOYEES.

Each supervisor is responsible for maintaining the workplace free from sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

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 that constitutes 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.**

Supervisors in need of information regarding their obligations under this policy or procedures to follow upon receipt of a complaint of sexual harassment should contact \_\_\_\_\_(Name), \_\_\_\_\_(Title) at \_\_\_\_\_(Address and telephone). [NOTE: Insert name of company EEO Officer, Human Resource Administrator, Personnel Officer, or other person designated by company management]

## V. PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT

### A. INTERNAL

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, EEO Officer\*, and to the offending employee. It is not necessary for the sexual harassment to be directed at the person making the complaint.

Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages.

No one making a complaint of sexual harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also 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 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 or the EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision of the EEO Officer.

3. FORMAL WRITTEN COMPLAINT. An employee may also report incidents of sexual harassment directly to the EEO Officer. The EEO Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The Company will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation.

#### B. EXTERNAL

The Company hopes that any incident of sexual harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR), the United States Equal Employment Opportunity Commission (EEOC) and/or the Urbana Human Relations Commission (UHRC). A charge with IDHR must be filed within 180 days of the incident of sexual harassment. A charge with EEOC must be filed within 300 days of the incident. A charge with UHRC must be filed within 90 days of the incident.

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Name, Title and Date  
Authorized Company Official