

SEXUAL AND OTHER FORMS OF HARASSMENT

RAILS is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, RAILS will not tolerate harassment of RAILS employees by anyone, including any supervisor, coworker, vendor, patron, contractor, or other regular visitor of RAILS.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status such as sex, color, race, ancestry, national origin, age, disability, sexual orientation, gender identity, genetic information, pregnancy status, family responsibilities, reproductive health decisions or other legally protected group status. Specifically, Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act prohibits sexual harassment.

RAILS will not tolerate harassing conduct that affects tangible job benefits, interferes unreasonably with an individual's work performance, or that 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 protected status.

Sexual harassment consists of unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when made by any employee to another 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 rejection of such conduct is used as the basis for any adverse employment decisions affecting such individual; or
3. Such conduct ~~has the is severe or pervasive enough to have the~~ 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. Uninvited sex-oriented verbal "kidding" or demeaning sexual innuendoes, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature;
2. Graphic or suggestive comments about an individual's dress or body;
3. Displaying sexually explicit objects, photographs or drawings;
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body; or
5. 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.

An employee may complain about harassment if the employee is subjected to consensual behavior between two or more other employees. ~~All RAILS employees are responsible to help assure that the RAILS' work environment is free of harassment avoids harassment.~~ Employees who believe that they have been subjected to sexual or other types of harassment or who have witnessed harassment should immediately notify the Executive Director or the Human Resources Director, who will ask the employee to document their complaint in writing to ensure accuracy throughout the investigation. submitfile a written complaint to with the Executive Director. If the Executive

Director is the alleged harasser, then the complaint shall be submitted to the President of the RAILS Board of Directors, ~~and/or the Human Resources Director~~. All complaints shall be investigated in accordance with the procedures contained herein.

RAILS shall promptly investigate all complaints. Reporting harassment or participating in an investigation will not reflect adversely upon an individual's status or affect future employment.

~~Similarly, RAILS does not tolerate retaliation against an individual Under Section 6-101 of the Illinois Human Rights Act, it is a civil rights violation for a person, or for two or more persons to conspire, to retaliate against a person~~ because he or she has (1) opposed ~~that conduct~~ which he or she reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment or discrimination ~~based on citizenship status~~ in employment, or (2) because he or she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing ~~under this Act~~ related to conduct prohibited under this policy. Any employee who retaliates against another for exercising their rights under this policy ~~and the Illinois Human Rights Act~~ shall be subject to discipline up to and including discharge.

The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with RAILS' legal obligations and ~~with the necessity~~ as necessary to investigate allegations of misconduct and to take corrective action when ~~this prohibited~~ conduct has occurred. While RAILS will endeavor to maintain confidentiality under this policy, a proper investigation requires informing the accused of the complaint, as well as others who may have information relevant to the investigation.

A substantiated ~~complaint charge~~ against an employee will subject the employee to disciplinary action up to and including discharge.

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 two years from~~ two years from ~~of~~ the alleged incident(s) ~~unless it is a continuing offense~~. A complaint with the EEOC must be filed within 300 days. In addition, an appeal process is available through the Illinois Human Rights Commission, (IHRC) after IDHR has completed its investigation of the complaint. Employees may have a right to file a complaint on their own behalf either in circuit court or directly with the IHRC. Where the employing entity has an effective sexual harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer.

ADMINISTRATIVE CONTACTS

Illinois Department of Human Rights (IDHR)

Chicago: 312-814-6200 or 800-662-3942 Chicago TTY: 866-740-3953

Springfield: 217-785-5100 Springfield TTY: 866-740-3953

Illinois Human Rights Commission (IHRC) Chicago: 312-814-6269 Chicago TTY: 312-814-4760

Springfield: 217-785-4350 Springfield TTY: 217-557-1500

United States Equal Employment Opportunity Commission (EEOC)

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