

## 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 prohibit sexual harassment.

RAILS 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 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 adverse 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. 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. 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. If the Executive Director

is the alleged harasser, then the complaint shall be submitted to the President of the RAILS Board of Directors. 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 because the employee has (1) opposed conduct that the employee reasonably and in good faith believes to be unlawful discrimination, sexual harassment in employment, or discrimination in employment, or (2) because the employee has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing related to conduct prohibited under this policy. Any employee who retaliates against another for exercising their rights under this policy shall be subject to discipline up to and including discharge.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with RAILS' legal obligations and as necessary to investigate allegations of misconduct and to take corrective action when 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 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 two years from the alleged incident(s). 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.

#### 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