

	POLICY PROCEDURE GUIDELINES	POLICY NUMBER: 04.10.00.	PAGE NUMBER: 1 of 5
		SUBJECT: Domestic/Sexual Violence & Harassment In The Workplace Policy	Adopted: 07/19/2016 Latest Revision: Next Review:

04.10.00. POLICY STATEMENT

The Forest Preserves District of Cook County (“District”) recognizes that the goal of eliminating all forms of sexual harassment, sexual violence and retaliation in the workplace will create a better environment for District employees. This policy establishes procedures for the reporting of complaints of sexual harassment, sexual violence and retaliation occurring in the District, by District employees.

04.10.01. PURPOSE

The purpose of this policy is to heighten awareness of domestic and sexual violence, and sexual harassment and retaliation in the workplace and to provide guidance to address the occurrence thereof.

04.10.02. REFERENCES

- Cook County Personnel Rules
Rule 8: Conduct and Discipline of Personnel
- Cook County Human Rights Ordinance
- Cook County Policy on Domestic and Sexual Violence in the Workplace
- Forest Preserves of Cook County
Employee Handbook: Rules & Regulations- Sexual Harassment
- Victims’ Economic Security and Safety Act, 820 ILCS 180/20.

04.10.03. DEFINITIONS

Domestic Violence: Domestic violence includes acts or threats of violence or intimidation, not including acts of self-defense, as defined in subdivision (3) of Section 103 of the Illinois Domestic Violence Act of 1986, or sexual assault, to the person or the person’s family or household member.

Batterer, Perpetrator, or Abuser: The individual who commits an act of domestic or sexual violence as defined above.

Batterer Intervention Programs: Programs for batterers that are designed to eliminate violence in intimate relationships, stop other forms of abusive behavior and increase victim safety.

Retaliation: Retaliation includes any adverse action taken against anyone who, in good faith, exposes discrimination or sexual harassment or has made a complaint, testified or assisted in an investigation or hearing.

Sexual Assault: Any conduct proscribed by the Criminal Code of 1961 in Sections 12-13, 12-14, 12-14.1, 12-15, and 12-16.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other visual, verbal or physical conduct of a sexual nature constitute sexual harassment when:

- a) It is implicitly or explicitly suggested that submission to or rejection of the conduct will be a factor in employment decisions or evaluations, or permission to participate in a District activity, OR
- b) The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating or hostile work environment.

Sexual Violence: Sexual violence is defined as a sexual act committed against someone without that person's freely given consent.

Sexual violence is divided into the following types:

- a) ***Completed or attempted forced penetration of a victim:*** includes completed or attempted unwanted vaginal (for women), oral, or anal insertion through use of physical force or threats to bring physical harm toward or against the victim. Examples include: Pinning the victim's arms; Using one's body weight to prevent movement or escape; Use of a weapon or threats of weapon use; and, Assaulting the victim.
- b) ***Completed or attempted alcohol/drug-facilitated penetration of a victim:*** includes completed or attempted unwanted vaginal (for women), oral, or anal insertion when the victim was unable to consent because he or she was too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through voluntary or involuntary use of alcohol or drugs.
- c) ***Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else:*** Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else — includes situations when the victim was made, or there was an attempt to make the victim, sexually penetrate a perpetrator or someone else without the victim's consent because the victim was physically forced or threatened with physical harm. Examples include: Pinning the victim's arms; Using one's body weight to prevent movement or escape; Use of a weapon or threats of weapon use; and, Assaulting the victim.
- d) ***Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else:*** includes situations when the victim was made, or there was an attempt to make the victim, sexually penetrate a perpetrator or someone else without the victim's consent because the victim was unable to consent because he or she was too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through voluntary or involuntary use of alcohol or drugs.

- e) ***Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce:*** examples include being worn down by someone who repeatedly asked for sex or showed they were unhappy; feeling pressured by being lied to, or being told promises that were untrue; having someone threaten to end a relationship or spread rumors; and sexual pressure by use of influence or authority.
- f) ***Unwanted sexual contact:*** intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person without his or her consent, or of a person who is unable to consent or refuse. Unwanted sexual contact can be perpetrated against a person or by making a person touch the perpetrator. Unwanted sexual contact could be referred to as “sexual harassment” in some contexts, such as a school or workplace.
- g) ***Non-contact unwanted sexual experiences:*** does not include physical contact of a sexual nature between the perpetrator and the victim. This occurs against a person without his or her consent, or against a person who is unable to consent or refuse. Some acts of non-contact unwanted sexual experiences occur without the victim’s knowledge. This type of sexual violence can occur in many different settings, such as school, the workplace, in public, or through technology. Examples include unwanted exposure to pornography or verbal sexual harassment (e.g., making sexual comments).

Stalking: Any conduct proscribed by the Criminal Code of 1961 in Sections 12-7.3 and 12-7.4.

Survivor or Victim: The individual who is the subject of an act of domestic or sexual violence or who, with the exception of the batterer, perpetrator or abuser, has a family or household member who is the victim of domestic or sexual violence.

VESSA: The Illinois Victim’s Economic Security and Safety Act of 2003, 820 ILCS 180 et seq.

04.10.04. SCOPE

This policy applies to all District employees. Employees who violate this policy may be subject to legal action as appropriate. Violation of this policy by an employee shall lead to disciplinary action, up to and including termination, in accordance with the applicable law, rule or collective bargaining agreement.

04.10.05. RESPONSIBILITY

The Department of Human Resources: The Department of Human Resources is charged with the development of guidelines, training programs and written educational materials consistent with the goals of this policy. These guidelines and other material shall be used to assist individual District departments and offices in implementation of this policy.

Department Heads: In implementation of this policy, each District Dept. Head shall have the flexibility to address its individual needs and concerns provided they comply with VESSA.

District Employees: All District employees shall render such aid and assistance as is required for implementation of this policy.

04.10.06. PROCEDURE

A. Employee Reporting Criteria:

1. Sexual harassment is prohibited in the District's workplace and in the provision or use of District services, facilities and programs.
2. The District prohibits retaliation against anyone who, in good faith, exposes discrimination or sexual harassment or has made a complaint, testified or assisted in an investigation or hearing.
3. If you feel you have been discriminated against or sexually harassed, you should report the incident immediately to a supervisor, or you may also contact:

Commission on Human Rights

Attn: Ranjit Hakim, Executive Director
69 W. Washington, Suite 3040, Chicago, Illinois 60602
Office: (312) 603-1100; TDD: (312) 603-1101
Email: human.rights@cookcountyil.gov

Forest Preserve District of Cook County

Department of Human Resources
536 N. Harlem Ave., River Forest, Illinois 60305
Office: 708-771-1561
Email: FPD.HumanResources@cookcountyil.gov

Forest Preserve District of Cook County

Attn: Brian J. Flores, Assistant to the General Superintendent for Labor Matters
69 W. Washington, Ste. 2010
Chicago, IL 60602
Tel: 312-603-0079; Fax: 312-603-9850
brian.flores@CookCountyIL.Gov

Forest Preserve District of Cook County

Attn: Lisa Huge, Director of Compliance
69 W. Washington, Ste. 2010, Chicago IL 60602
Office: 312-603-0037; Cell: 224-213-3435
Email: Lisa.huge@CookCountyIL.Gov

B. Leave Options for Employees Who are Survivors or Victims of Domestic or Sexual Violence or Who Have a Family or Household Member Who is the Victim of Domestic or Sexual Violence:

1. At times, an employee may need to be absent from work due to domestic or sexual violence. When determining leave options, employees, supervisors and managers shall

comply with VESSA. Extended time beyond the time guaranteed by VESSA shall be determined through collaboration with the employee, supervisor/manager, human resources representative, and union representative, where the employee is represented.

C. Discrimination and Retaliation Protection for Employees Who Are Survivors/Victims of Domestic or Sexual Violence or Who Have a Family or Household Member Who Is the Victim of Domestic or Sexual Violence:

1. In accordance with VESSA, the District shall not discriminate in the hiring process or, refuse to hire, discharge, deny necessary reasonable accommodations, or harass any prospective employee or employee, otherwise discriminate against any employee with respect to the compensation, terms, conditions, or privileges of employment, or retaliate against an employee in any form or manner.

D. Disciplinary Procedures for Employees Who Commit Acts or Threats of Domestic or Sexual Violence:

1. The District is committed to providing a workplace in which the perpetration of domestic or sexual violence is neither tolerated nor excused. Any physical assault or threat made by an employee while on District premises, during working hours, or at a District sponsored event is a serious violation of District policy. This policy applies not only to acts against other employees, but to acts against all other persons.
2. Employees who are convicted of a crime of domestic or sexual violence may be subject to corrective or disciplinary action, up to and including discharge, when such action affects the work performance of the employee, affects normal operations of District, or otherwise implicates District rules.

04.10.07. TRAINING REQUIREMENTS

1. All District employees shall be trained on this policy.

04.10.08. ACTION PLAN TO COMMUNICATE/DISSEMINATE

1. This Policy shall be distributed to all District employees.
2. This Policy shall be posted on the District website, Shared Drive, and intranet.

If you have questions, comments, or suggestions concerning this District policy, please contact:

Forest Preserve District of Cook County
The Human Resources Department
Phone: (708) 771-1562
Email: FPD.HumanResources@cookcountyil.gov