



SEXUAL HARASSMENT POLICY

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Introduction

The Illinois State Board of Investment (ISBI) is committed to maintaining a safe work environment free from all forms of discrimination, including sexual harassment. All complaints of sexual harassment will be taken seriously and treated with respect and in confidence. Any person found to have sexually harassed another will face disciplinary action, up to and including dismissal. Sexual harassment could also subject ISBI and, in some cases, an individual to civil penalties.

It is the responsibility of each ISBI employee to refrain from sexual harassment, and it is the right of each ISBI employee to work in an environment free from unsolicited or unwelcome sexual overtures or conduct. All ISBI employees are required to complete annual sexual harassment training, become familiar with this policy, comply with this policy, behave professionally, and exercise good judgment in work-related relationships, whether with fellow employees, business colleagues, or members of the public with whom they come into contact in the course of their duties.

All ISBI employees are expected to take appropriate measures to prevent sexual harassment. Unwelcome behavior of a sexual nature should be stopped before it becomes severe or pervasive and rises to a violation of law. All forms of discrimination and conduct which can be considered harassing, coercive, or disruptive, or which create a hostile or humiliating environment must be eliminated.

Definition and Examples 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 that 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 U.S. Civil Rights Act of 1964, as amended in 1991. Anyone can be a victim of sexual harassment, regardless of their gender or the gender of the harasser.

One example of sexual harassment is when a qualified individual is terminated by a supervisor or denied employment opportunities and benefits after rejecting the supervisor's request for sexual favors. Another example is when an individual is subjected to unwelcome sexual conduct by coworkers because of his or her gender, which makes it difficult for the individual to perform his or her job.

Sexual harassment may be in the form of verbal, non-verbal, visual, physical, or textual/electronic conduct.

- *Verbal* – Sexual innuendoes; sexually suggestive comments or stories; insults, threats, humor or jokes about sex, anatomy, or gender-specific traits; sexual propositions; or repeated requests for dates or physical intimacy.
- *Non-Verbal* – Whistling, leering, obscene gestures, sexually suggestive bodily gestures, “catcalls,” or “kissing” noises.
- *Visual* – Display of sexually explicit or suggestive material (such as posters, signs, pictures, or slogans of a sexual nature) or viewing pornographic material or websites.
- *Physical* – Unwelcome physical contact (such as hugging, kissing, pinching, brushing against the body, or other inappropriate touching), any coerced sexual act, or actual assault.
- *Textual/Electronic*¹ – Using any form of electronic communication (email, text/picture/video messages, intranet/on-line postings, blogs, instant messages, and social network websites like Facebook/Twitter/Instagram) to send messages with sexual content (such as pictures or video); sexually explicit or suggestive language; insults, threats, humor or jokes about sex, anatomy, or gender-specific traits; or repeated requests for dates or physical intimacy.

While the most commonly recognized forms of sexual harassment involve the types of conduct described above, non-sexual conduct can also constitute a violation of the law when that conduct is directed at the victim because of his or her gender. An example is when a female employee reports to work and finds her belongings stolen, her work station filled with trash, and her equipment disabled by her male coworkers because they resent having to work with a woman.

Some sexual harassment depends, to some extent, on individual perception and interpretation. Seemingly “harmless” and subtle actions may lead to sexual harassment complaints. Examples are condescending or paternalistic remarks (such as the use of terms such as “honey,” “darling,” and “sweetheart”) or comments about a person’s appearance or private life (such as compliments about the fit of clothing or a person’s body).

ISBI employees should err on the side of caution to avoid allegations of sexual harassment.

¹ Incoming and outgoing electronic messages on ISBI owned or issued equipment are subject to monitoring and employees can have no expectation of privacy on ISBI owned or issued electronic equipment. Any ISBI employee who is subjected to inappropriate electronic communications on or from ISBI owned or issued electronic equipment should immediately report the incident to a supervisor, the Equal Employment Opportunity/Affirmative Action Officer (EEO/AAO), the Ethics Officer, or the General Counsel.

Responsibility of ISBI Employees

All ISBI employees have the responsibility to refrain from sexual harassment in the workplace. The harassing person will be subject to disciplinary action, up to and including dismissal.

All sexual harassment is prohibited, whether it takes place within or outside of the ISBI offices, including at social events or during business trips. Anyone who sexually harasses another will be reprimanded, even if they are casual workers, contractors, or visitors.

Responsibility of Supervisory Personnel

Each supervisor is responsible for maintaining a 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. Supervisors must act quickly and responsibly to minimize their own liability and that of ISBI.

A supervisor must address an observed incident of sexual harassment or a complaint with equal seriousness. Report the incident, take prompt action to investigate it, implement appropriate disciplinary action, take all necessary steps to eliminate the harassment, and observe strict confidentiality. These steps also apply when an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.

Supervisors must ensure that there is no retaliation against an employee making a sexual harassment complaint. Illinois law prohibits retaliation against an individual for asserting their right to be free from harassment by raising a concern; making a charge; filing a complaint; or testifying, assisting, or participating in an investigation, proceeding, or hearing. Additionally, the Whistleblower Act (740 ILCS 174) protects employees who refuse to participate in illegal activities or disclose illegal conduct to a government or law enforcement agency or in a court, administrative hearing, or before a legislative commission or committee.

Any retaliatory action taken by any ISBI employee against another employee shall be regarded as a separate and distinct cause for complaint and investigation. A person engaging in retaliatory conduct shall be subject to disciplinary action, up to and including dismissal or other appropriate management action.

Responses to Sexual Harassment and Procedures for Internal Complaints

A person who believes they have been harassed or witnessed harassment should directly and clearly express his or her objection to the unwelcome conduct 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, memo, or an email. (Documentation of what was said or done, the date, the time, and the place are strengthened by written records such as letters, notes, memos, and telephone messages.)

In addition to direct communication, or in the event a person who believes they have been harassed or witnessed harassment feels too threatened or intimidated by the situation to communicate directly, the problem should be promptly reported to a supervisor, the Equal Employment Opportunity/Affirmative Action Officer (EEO/AAO), the Ethics Officer, or the General Counsel.

All allegations, including anonymous complaints, will be fully investigated regardless of how the matter comes to the attention of ISBI. However, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

The claimant and the alleged harasser will be advised of the results of the investigation. If the claimant or alleged harasser believes the findings of the investigation are incorrect, they may, within ten business days of the date of the determination letter, submit a written appeal to the Board.

External Complaints

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, a person who believes they have been harassed or witnessed harassment has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a 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. In addition, an appeal process is available through the Illinois Human Rights Commission, after IDHR has completed its investigation.

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.

An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged violation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges, such as assault or battery.

False and Frivolous Complaints

False and frivolous complaints refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is misconduct that can result in disciplinary action, up to and including dismissal, or an administrative fine, pursuant to 5 ILCS 430/50-5.

Administrative Contacts

Illinois State Board of Investment
General Counsel, Ethics Officer
Dipesh Mehta: (312) 793-1486

Associate General Counsel
Samantha McHugh: (312) 793-5711

Illinois Department of Human Rights

Springfield: (217) 785-5100
Chicago: (312) 814-6200
TTY: (866) 740-3953

Illinois Human Rights Commission

Springfield: (217) 785-4350
Chicago: (312) 814-6269
TDD: (866) 832-2298

Equal Employment Opportunity Commission

Toll Free: (800) 669-4000
Chicago: (312) 872-9777
TTY: (800) 669-6820
ASL Video Phone: (844) 234-5122