



RESOLUTION 2021 – 002

WHEREAS, the membership of the Illinois Democratic County Chairs' Association (the "IDCCA") acknowledges that sexual harassment is a form of discrimination prohibited by Title VII of the Civil Rights Act of 1964, the Illinois Human Rights Act, among other relevant statutes; and,

WHEREAS, the IDCCA believes that County Central Committees, Political Action Committees, Campaign Committees, and other entities and/or organizations who advance the values of the Democratic Party should be committed to maintaining an environment that encourages and fosters appropriate conduct and respect for individual values among its membership, staff, consultants, and volunteers. This commitment must extend to maintaining an environment free from sexual harassment in any form; and,

WHEREAS, the IDCCA does not tolerate, condone, or ignore sexual harassment of any kind from any person; and,

WHEREAS, the IDCCA has previously pledged, and does hereby renew its pledge, to take action to prevent sexual harassment and create an inclusive and welcoming environment for all membership, staff, consultants, and volunteers who give graciously of their time and resources to advance the values of the Democratic Party; and,

WHEREAS, in February 2018, the IDCCA unanimously approved the implementation of a "Sexual Harassment Prevention Policy and Pledge" (the "Policy"), which explicitly bans sexual harassment and establishes a procedure for accepting reports of sexual harassment; and,

WHEREAS, to ensure that the Policy remains a robust method for addressing claims of sexual harassment, the policy has been modified to expand its scope and add additional safeguards for any person who reports allegations of sexual harassment; and,

WHEREAS, the amended Policy is attached hereto as Exhibit A; and,

WHEREAS, the IDCCA does believe, and by passage of this Resolution does hereby restate its belief, that the amended Policy, as proposed herein, is a necessary and sufficient means of ensuring that allegations of sexual harassment can be brought to the attention of the IDCCA promptly, be investigated expeditiously, and be resolved in a manner befitting the serious nature of such allegations.

NOW THEREFORE, BE IT RESOLVED, BY THE MEMBERS OF THE ILLINOIS DEMOCRATIC COUNTY CHAIRS' ASSOCIATION, as follows:

1. That the IDCCA reaffirms its commitment to developing and promoting a work atmosphere free from sexual harassment.



2. That the amended Policy, attached hereto as Exhibit A, is hereby approved in all respects and shall be effective as of the passage of this resolution.
3. That the IDCCA will cause copies of the Policy to be sent to all members of the IDCCA and explain that said members are expected to sign said Policy and abide by its terms while representing the IDCCA.
4. That the IDCCA will cause copies of the Policy to be sent to all employees, agents, volunteers, and others who are subject to the Policy and explain that said persons are expected to sign said Policy and abide by its terms while representing the IDCCA in any capacity.
5. That the IDCCA shall require any contract entered into with a vendor to include language which affirms that (1) the vendor has adopted an anti-sexual harassment policy, and (2) said policy applies to all employees of the vendor who are performing work for the benefit of IDCCA.
6. That the IDCCA will encourage all County Central Committees, Political Action Committees, Campaign Committees, and other entities and/or organizations who advance the values of the Democratic Party to adopt, and comply with, a similar policy.

Dated this 27th day of June, 2021.

Kristina Zahorik
President of the IDCCA

Pam Monetti
Secretary of the IDCCA

ILLINOIS DEMOCRATIC COUNTY CHAIRS' ASSOCIATION POLICY PROHIBITING SEXUAL HARASSMENT

I. PROHIBITION ON SEXUAL HARASSMENT

It is unlawful to harass a person because of that person's sex. 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 (the "Civil Rights Act"). All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of Illinois Democratic County Chairs' Association (the "Association") to prohibit sexual harassment by any of its employees, supervisors, managers, directors, agents, officials, board members, interns (whether paid or unpaid), and/or all other persons subject to the Association's policies and procedures (collectively "Employees") on the basis of sex or gender.

All Employees are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. A copy of this Policy shall be provided to any person within two business days of the Association's receipt of a request for the Policy. The Association's adoption and enforcement of this policy is not an acknowledgement or an admission that the Association meets the definition of an "Employer" under the Illinois Human Rights Act, 775 ILCS 5/1-101, *et. seq.*, or of the Civil Rights Act, and should not be construed or relied upon as such.

II. DEFINITION OF SEXUAL HARASSMENT

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment 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.

775 ILCS 5/2-101.

Conduct which may constitute sexual harassment includes, but is not limited to, the following:

- 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 of 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, viewing pornographic material or websites.

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- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- Text/Electronic: “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

III. PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT.

An Employee who observes conduct that he or she reasonably believes to constitute sexual harassment, and/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 offending Employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any Employee may report conduct which is believed to be sexual harassment to the individual designated as the Association’s Designated Agent, as identified below, who is also prepared to receive reports of sexual harassment, and/or take the following actions:

- *Electronic/Direct Communication.* If there is behavior that constitutes sexual harassment 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 some reliable medium.
- *Contact with 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 of the Employee making the report, the Employee’s department head, and/or any necessary persons in a supervisory position within the Association. A report by an Employee should be made to the Employee’s immediate supervisor, except in circumstances when the immediate supervisor is the offending individual or Employee reasonably determines, based on the circumstances, that the report should be made to another Association supervisor or officer. The Employee experiencing what he or she believes to be sexual harassment must not assume that the Association is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other Association supervisor or officer, the Association will not be presumed to have knowledge of the harassment.

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- *Resolution Outside the Association.* The purpose of this policy is to establish prompt, thorough, and effective procedures for responding to every report and incident so that problems can be identified and remedied by the Association. However, all Employees have the right to contact the Illinois Department of Human Rights (the "IDHR") or the Equal Employment Opportunity Commission (the "EEOC") for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including but not limited to written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Association. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the Employee's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

The Association has designated its Executive Director as the Designated Agent for purposes of accepting complaints under this policy.

IV. PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

The Association and its Employees shall not take any retaliatory action against any Employee due to an Employee's:

1. Disclosure or threatened to disclosure of an any violation of this policy;
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy; or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any Employee, that is taken in retaliation for an Employee's involvement in protected activity established pursuant to this policy. No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Like the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act, 5 ILCS 430/15-10, provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion or denial of promotion or transfer that occurs in retaliation for an Employee who does any of the following:

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1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, state agency, or other state employee that the state employee reasonably believes is in violation of a law, rule or regulation;
2. Provides information to or testifies before any public body conducting an investigation, hearing or inquiry into any violation of a law, rule or regulation by any officer, member, state agency or other state Employee; or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

The Inspector General of the Secretary of State has jurisdiction to review allegations of sexual harassment. Violations with regard to sexual harassment are subject to the jurisdiction of the Executive Ethics Commission and are subject to the penalties of the State Officials and Employees Ethics Act. The Association's adoption and enforcement of this policy is not an acknowledgement or an admission that the Association is subject to the jurisdiction of the State Officials and Employees Ethics Act, and should not be construed or otherwise relied upon as such.

Pursuant to the Whistleblower Act, 740 ILCS 174/15(a), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule or regulation. 740 ILCS 174/15(b). The Association's adoption and enforcement of this policy is not an acknowledgement or an admission that the Association is subject to the jurisdiction of the Whistleblower Act, and should not be construed or otherwise relied upon as such.

According to Section 6-101 of the Illinois Human Rights Act, 775 ILCS 5/6-101, it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted or participated in an investigation, proceeding or hearing under the Illinois Human Rights Act.

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

V. CONSEQUENCES OF A VIOLATION OF THE PROHIBITION ON SEXUAL HARASSMENT

In addition to any and all other discipline that may be applicable pursuant to Association policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65 may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the Association and any applicable fines and penalties established pursuant to local

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ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the Association shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

VI. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable Association policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, there can be criminal penalties for intentionally making false reports that allege violations of any applicable laws. For example, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor; Similarly, an ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

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ACKNOWLEDGMENT STATEMENT

(Copy to be kept by IDCCA and placed in its permanent records)

I, _____, have received a copy of the Illinois Democratic County Chairs' Association Policy Prohibiting Sexual Harassment (the "Policy"). I have read and understand the contents of the Policy. A copy of the Policy and this signed statement will be retained for my reference. I agree to be bound by the Policy and am subject to Policy changes as they are made.

PRINTED NAME

WITNESS PRINTED NAME

SIGNATURE

WITNESS SIGNATURE

DATE

DATE