



Diocese of Rockford

**Sexual Harassment
Prevention Training**

April 2020



- The Illinois Human Rights Act makes it a civil rights violation “[f]or any employer, employee, agent of any employer, employment agency or labor organization to engage in sexual harassment.” 775 ILCS 5/2-102(D).
- The Illinois general Assembly finds that tolerance of sexual harassment has a detrimental influence in workplaces by creating a hostile environment for employees, reducing productivity, and increasing legal liability.
- The State of Illinois encourages employers to adopt and actively implement policies to ensure their workplaces are safe for employees to report concerns about sexual harassment without fear of retaliation, loss of status, or loss of promotional opportunities.

Sexual Harassment Is Prohibited In Illinois

Employers Required to Provide Sexual Harassment Prevention Training of All Employees

- Every employer in the State of Illinois is required to provide employees with sexual harassment prevention training that complies with section 2-109 of the Illinois Human Rights Act (“IHRA”).
- All employees regardless of their status (i.e. short-term, part-time, or intern) must be trained.
- If an employer has an independent contractor working on-site with the employer’s staff, the independent contractor should receive sexual harassment prevention training.

What Information Will Be Covered

- I. An **explanation of sexual harassment** consistent with the Illinois Human Rights Act;
- II. **Examples of conduct** that may constitute unlawful sexual harassment
- III. A **summary of Federal and State statutory laws** concerning sexual harassment including remedies available to victims; and
- IV. A **summary of employer responsibilities** in the prevention, investigation, and corrective measures of sexual harassment.



What is Sexual Harassment?

Under the Illinois Human Rights Act, “Sexual harassment” means any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature when:

- *Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment,*
- *Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or*
- *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.*

I.

Quid Pro Quo Sexual Harassment

“You do something for me, and I’ll do something for you.” This means that a manager or supervisor may not tell an employee that in order to receive a promotion, raise, preferred assignment, or other type of job benefit – or to avoid something negative like discipline or an unpleasant assignment – the employee must do something sexual in return.

Types of Unlawful Sexual Harassment

Hostile Work Environment Sexual Harassment

“The air at work is full of sexual references and it is impacting me.” A hostile work environment may occur when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Unwelcome Behavior



What is unwelcome behavior? Behavior is unwelcome when the recipient – the one listening to it or seeing it – did not solicit or invite it, and considers the behavior to be undesirable or offensive. Sexual behavior is not appropriate in the workplace and is considered unwelcome.



Welcome behavior can quickly become unwelcome behavior. What starts off as welcome behavior (consensual joking) can cross a line and become unwelcome behavior.



*Also, consent can be revoked at any time. When someone experiencing sexually inappropriate behavior says, “stop talking to me like this” **it must stop**. The other person cannot use as a defense “Well you started it.” or “You were ok with it at first.” Thus, avoid the behavior always.*

I. Working Environment & Nonemployees

- **An employee’s “working environment” is not limited to the physical location where the employee is assigned. The “working environment” extends to other work sites including off-site, mobile or moving work sites/locations.**
- **The prohibition that supervisors and co-workers not engage in sexual harassment now applies to nonemployees such as patrons, vendors, and service providers. Nonemployees can be victims of sexual harassment and/or perpetrators of sexual harassment.**

I. Those Affected

- Sexual harassment typically occurs between individuals of the opposite sex.
- However, an individual can be a victim of sexual harassment when the perpetrator is of the same sex.
- A person who is not the direct target of the unwelcome conduct may also be affected by the conduct. Thus, bystanders in the workplace who observe unlawful sexual conduct may also be experiencing harassment.

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What are Examples of Inappropriate Conduct?



Inappropriate sexual conduct includes:

- Pressure for sexual favors or to go out on a date
- Deliberate touching, leaning over, or cornering another person
- Sexual looks or gestures or whistling at someone
- Sending letters, telephone calls, e-mails, texts, or other materials of a sexual nature
- Sexual teasing, jokes, remarks, or questions
- Referring to another as a “girl,” “hunk,” “doll,” “babe,” “honey,” “tootsie”, etc.
- Actual or attempted rape or sexual assault



Continued - What are Examples of Inappropriate Conduct?



More examples of inappropriate conduct:

- Turning work discussions into sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments, sexual innuendos, or sexual stories, videos, cartoons
- Sexual comments about a person's clothing, body, or appearance
- Kissing sounds, howling, smacking lips
- Telling lies or spreading rumors about a person's sex life
- Massaging neck, shoulders, etc.
- Touching another employee such as their clothing, hair, or body

II. Sexually Inappropriate Conduct in Online Environments

- Conduct online and through social media that is sexual in nature is inappropriate and unacceptable even when it occurs during non-working hours or away from work
- Inappropriate sexual conduct online includes using e-mail, cell phone texts, internet posting, online comments, blog posts, and social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, Snapchat) to send communications of a sexual nature. Examples include:
 - Flirting and requests or demands to go on a date or have sex
 - Sending inappropriate pictures or videos including sexually graphic material
 - Using sexual language or comments including sexually offensive language
 - Cyber stalking

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III. What can I do if I experience, witness, or become aware of unwelcome sexual conduct?

If you experience, witness or become aware of unwelcome sexual conduct, know that:

1. You have the **right to tell the person to stop**. The initiating and participating persons must stop the unwelcome behavior upon request.
2. You have the **right to report the unwelcome conduct to your supervisor or any supervisor, or the Diocese**.
3. You **will not be retaliated against** for reporting the conduct or for participating in an investigation into the conduct. Retaliation violates the law.



Reporting Sexual Harassment to an Employer

Report the incident to one or more of the following employer representatives:

- 1. Your Supervisor** or any member of management you trust. Supervisors know the employer's internal complaint investigation and resolution process. Supervisors can help effect immediate positive change.
- 2. Any Supervisor** can receive a report from you. If you are not comfortable reporting the conduct to your supervisor, make the report to another supervisor. This option may be preferred, if the perpetrator of the sexual harassment is a supervisor or manager.
- 3. Contact the Diocese** to make a report of sexually inappropriate conduct. You may call the Diocese hotline at 815-293-7540 or send an email to ReportSexualAbuse@rockforddiocese.org. Review the Diocese's Employee Handbook for the policy.



Reporting Sexual Harassment – Several Options

Other reporting options:

- 1. You may contact the State of Illinois Sexual Harassment & Discrimination Helpline*
- 2. You may file a Charge with the Illinois Department of Human Rights (IDHR)*
- 3. You may file a Charge with the U.S. Equal Employment Opportunity Commission (EEOC)*

III. Call the State of Illinois Sexual Harassment and Discrimination Helpline

Call:

1-877-236-7703

Visit:

www.Illinois.gov/SexualHarassment

If you or someone you know has experienced or witnessed unwelcome conduct of a sexual nature in the workplace, please call the State of Illinois Sexual Harassment and Discrimination Helpline for assistance. Calls are confidential and can be made anonymously.

Helpline representatives can help callers navigate their numerous reporting options and share additional information related to counseling, legal assistance, and frequently asked questions.

III. Reporting Sexual Harassment to the Illinois Department of Human Rights (IDHR)

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).
- IDHR has jurisdiction (authority) to investigate employers who have 1 or more employees.
- To start the process, submit a Complainant Information Sheet to IDHR.



Remedies Available Under The Illinois Human Rights Act



After IDHR completes its investigation, the Complainant (the employee):

- ✓ May file a lawsuit in civil court, or file a complaint with the Illinois Human Rights Commission (HRC) if IDHR found “substantial evidence” of a violation.

*Complainants who prevail in the HRC or Court may receive an **order awarding remedies** allowed by the Illinois Human Rights Act to make the Complainant “whole.”*

- ✓ **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney’s fees and costs.

III. Reporting Sexual Harassment to the IDHR (Contact Information)

To file a charge, call IDHR or visit them online:

1-800-662-3942

[WWW.ILLINOIS.GOV/DHR](http://www.ILLINOIS.GOV/DHR)

Chicago

Office: 312-814-6200
866-740-3953 (TTY)
100 W Randolph St.,
Suite 10-100
Chicago, IL 60601

Springfield

Office: 217-785-5100
866-740-3953 (TTY)
535 W. Jefferson,
1st Floor, Intake Unit
Springfield, IL 62702

Marion

Office: 618-993-7463
866-740-3953 (TTY)
2309 W Main St
Marion, IL 62959

III.

Reporting Sexual harassment to the U.S. EEOC

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that makes it illegal to engage in sexual harassment or retaliation.

- Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).**
- The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees.**
- To start the process, call the EEOC or visit their website.**



Remedies Available Under Title VII of the Civil Rights Act of 1964

- **After EEOC completes its investigation:**
 1. The Complainant (the employee) may file a lawsuit in federal court.
 2. The EEOC may help parties reach a settlement through an information process called “conciliation” if the EEOC finds “reasonable cause” to believe discrimination occurred.
- Complainants who prevail in federal court may receive an **order awarding remedies** allowed by Title VII to make the employee “whole.”
- **Remedies** may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney’s fees and costs.

III. Reporting Sexual Harassment to the U.S. EEOC (Contact Information)

To file a charge, call or visit them online:

1-800-669-4000

www.EEOC.GOV

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

Chicago District Office

JCK Federal Building
230 S. Dearborn St.
Chicago, IL 60604

St. Louis District Office

Robert A. Young
Federal Building
1222 Spruce St.
Rm. 8.100
St. Louis, MO 63103

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An employer is responsible for sexual harassment where:

- **Managers/Supervisor Harassment.** An employer is responsible for unlawful sexual harassment perpetrated by a management employee upon a subordinate employee *regardless* of whether the employer knew of the harassment.
- **Co-Worker & Nonemployee Harassment.** An employer is responsible for sexual harassment of an employee by a co-worker or a nonemployee (vendor) *only if* the employer knew or reasonably should have known of the harassment and failed to take prompt corrective action.

IV. Is my Employer Responsible for Sexual Harassment?

IV.

Employer Responsibilities



We will now discuss employer responsibilities and liabilities concerning incidents of sexual harassment in workplaces including their responsibilities to:

- ✔ **Prevent** the incidence of sexual harassment in their workplaces;
- ✔ **Investigate** incidents of sexual harassment in their workplaces; and
- ✔ **Correct** the incidence of sexual harassment in their workplaces.

IV. Employer Responsibility - Prevention

1. Develop, implement and regularly communicate the employer's sexual harassment policy. This policy is contained in the Diocese's Employee Handbook. Read this policy and ask your supervisor if you have any questions about it.
2. Provide training for managers and employees on sexual harassment prevention. This training is presented to all employees of all parishes and school and Diocesan entities every year. Employees are required to take this training annually.
3. Ensure clear communication on how to report incidents of sexual harassment or conduct of sexual nature. This training and the Diocese's policy both state clearly how to report inappropriate conduct of a sexual nature.

IV. Employer Responsibility - Prevention

4. Managers and supervisors should monitor their work environment to ensure the workplace is free of inappropriate sexual conduct. If inappropriate conduct is occurring outside the presence of your supervisor, inform your supervisor at once.
5. Managers and supervisors must lead by example and model appropriate conduct – refrain from engaging in conduct of a sexual nature.
6. Managers and supervisors should periodically discuss the topic of sexual harassment as part of structured communication such as periodic newsletters, including the Diocese's safe environment newsletter.

IV. Employer Responsibility - Investigation

1. Immediately respond to a complaint of sexual harassment and initiate an inquiry or investigation. The Diocese's policy requires this.
2. Interview the complainant (person making the report of inappropriate sexual conduct).
3. Do not retaliate against that person for coming forward.
4. Interview all relevant witnesses.
5. Interview the person accused of the inappropriate sexual conduct.
6. Document the investigation results, and take prompt effective remedial action as required by the facts discovered in the investigation.
7. Each of the steps is set forth in the Diocese's policy, and the Diocese follows these steps.

IV. Employer Responsibility – Corrective Measures

1. Take appropriate corrective disciplinary action up to and including termination of employment where the Diocese's policy has been violated.
2. In situations where the conduct in question did not rise to the level of sexual harassment or a violation of policy, but is concerning or may be considered grooming behavior, the Diocese will warn the individual to refrain from such conduct and may require additional training and closer supervision of the employee.
3. Periodically review and update policies on harassment and communicate them to the workforce.
4. Follow up with the complainant at regular intervals to ensure the employee and the workplace remain free from inappropriate conduct.

Completion & Certification

*Thank you for completing
the 2020 Annual
Sexual Harassment
Prevention Training*

Please take the following actions:

1. Print and sign the “Certificate of Participation” provided.
2. Return the Certificate to your supervisor.



Certificate of Completion

I certify that I have carefully reviewed and completed the 2020 Sexual Harassment Prevention Training following the Illinois Human Rights Act, 775 ILCS 5/2-109.

Printed Name - First, Middle Initial, Last

EMPLOYER NAME AND CITY

TRAINING DATE