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EXECUTIVE ETHICS COMMISSION

OFFICE OF THE SECRETARY OF STATE

JESSE WHITE • Secretary of State

January 29, 2019

Michelle Casey, Executive Director
Executive Ethics Commission
401 S. Spring Street
513 Stratton Building
Springfield, IL 62706

Re: Sexual Harassment Training Report

Dear Ms. Casey:

Enclosed please find the Sexual Harassment Report from the Office of Secretary of State outlining our training efforts for 2019.

Please let me know if you have any questions.

Sincerely,

Stephan J. Roth
Director - Department of Personnel/Ethics Officer

cc. Nathan Maddox, Executive Inspector General

Office of Illinois Secretary of State
Sexual Harassment Training Report

Per the Illinois Administrative Code, Title 2, Chapter VI, section 1620.910, the Office of Illinois Secretary of State files this report with the Executive Inspector General to document our Sexual Harassment Training Program for 2019, submitting the following:

a. Our training program was provided to employees through our intranet. A hard copy of our on-line training material for 2019 and the updated material to be used in 2020 is included with this report. The only material not included is the video that is used for the on-line training and the actual test questions at the end of the training session.

b. 4,408 employees of the Secretary of State's Office completed the Sexual Harassment Training Program in 2019. 3864 employees completed the Sexual HarassmentTraining Program in 2018.

c. 22 employees did not complete the Sexual Harassment Training Program for 2019. All of these individuals were on a leave of absence from our Office. Upon their return from their leave, the employees will be required to complete the Training Program to make sure the training requirements have been satisfied. A listing of those employees that did not complete the Sexual Harassment Training in 2019 is attached.

d. Proof of completion of the Sexual Harassment Training was done by a signed Acknowledgment at the successful completion of the training which is placed in the employee's personnel file.

Submitted on this 29th day of January, 2020

Stephan J. Roth, Ethics Officer

Employees that did not take the Sexual Harassment Training 2019

ASHBY JOSHUA D
BAKER-NOBLE ARICA A
BREWER-BYARS TOSCHA S
FOILES JANICE K
HILL TONY
JAMES LORI L
JUAREZ CHARLES W
KALAMARIS MARK
KHAN JAVED
LIPARI SUSAN
LOWRY LAURA J
MAGADAN SILVIA
MAIN JEREMIE T
MERCER SHAWN R
ORANA SUSAN A
PARROTT CHARIS
RHOADES TAMMY J
RODRIGUEZ MARIA L
SIMMONS CYNTHIA L
SNEED LARRY D
SPONSLER SCOTT J
STELLA LOUIS J

Harassment/Discrimination Training-2019

Policy

The summaries of these three policies, Non-Discrimination (Policy 2.25), Workplace Harassment and Discrimination (Policy 2.22), and Sexual Harassment (Policy 2.39) identify key points of these policies, which all employees must follow. Reading this summary is not an appropriate substitute for those who have never read the full policies, or who have not attended training programs. Secretary of State employees may request complete copies of these or any other policies from their manager; or they may access the Policy Manual on the Secretary of State official intranet site, ABE. To access this information on ABE, on the home page under Resources click Policy Manual.

For purposes of administration, these policies apply to all categories protected from discrimination and/or harassment as provided by federal law, Illinois law and/or the Secretary of State policies. These categories include: race and/or color, disability (physical or mental), religion, gender/sex, national origin, age (40 and over), employment or unemployment status, ancestry, citizenship status, sexual orientation, marital status and military status (includes unfavorable discharge).

Non-Discrimination Policy, Chapter 2, Number 25
Policy Statement
It is the policy of the Secretary of State's Office that all employment decisions are made on the basis of equal employment opportunity. No employee in the Office of the Secretary of State shall directly or indirectly harass or discriminate against any individual in any employment decision. Harassment or discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of age, disability (mental or physical), gender and gender-related identity issues, marital status, national, genetic information, race, religion, citizenship, sexual orientation, veteran status or military status is prohibited. This policy includes any other basis declared to be unlawful discrimination under the Illinois Human Rights Act and/or any other applicable State or Federal law, including but not limited to:

- Title VII of the Civil Rights Act of 1964 (Title VII) (42 U.S.C. Sec. 2000e)
- The Pregnancy Discrimination Act (Civil Right Act Sec. 701)
- The Equal Pay Act of 1963 (29 U.S.C. Sec. 206(d))
- The Age Discrimination Employment Act of 1967 (29 U.S.C. Sec. 621)
- Title I of the Americans with Disabilities Act of 1990
- The Civil Rights Act of 1866 & 1871(42 U.S.C. Sections. 1981, 1983)
- The Rehabilitation Act of 1973 - (29 U.S.C. Sec. 701)
- The Genetic Information Nondiscrimination Act of 2008
- Immigration Reform and Control Act of 1986 (8 U.S.C. Sec. 1324A)
- Veterans' Employment Rights Act (38 U.S.C. Sec. 2021)

The Secretary of State's Equal Employment Opportunity (EEO) Officer is available to consult with any employee or supervisor regarding the nature of this policy.

This policy is intended to be complementary (or in conjunction with) to the Workplace Harassment and Discrimination policy.

Workplace Harassment And Discrimination Policy, Chapter 2, Number 22
2.22 Policy Statement
No employee in the Office of the Secretary of State shall directly or indirectly harass or discriminate

against any individual in any employment decision. Harassment or discrimination against any person in recruitment, examination, appointment, training, promotion, retention, or any other personnel transaction, because of age, disability (mental or physical), gender and gender-related identity issues, marital status, national origin, genetic information, political affiliation, race, pregnancy, childbirth or medical condition related to pregnancy or childbirth, religion, citizenship, sexual orientation, veteran status or military status is prohibited. This policy includes any other basis declared to be unlawful discrimination under the Illinois Human Rights Act and/or any other applicable State or Federal law.

Any employee of the Office of the Secretary of State who subjects another employee, contractor, vendor or member of the public to harassment or discrimination, or otherwise violates the terms of this policy may be liable for his or her individual conduct and shall be subject to discipline action, up to and including discharge. The Secretary of State's Equal Employment Opportunity (EEO) Officer is available to consult with any employee or supervisor regarding the nature of this policy.

2.22.1 Role of Supervisory Personnel

Each supervisor is responsible for maintaining the workplace free of harassment and discrimination. This is accomplished by promoting a professional environment and by dealing with harassment and discrimination. It must be remembered that supervisors are the first line of defense against harassment and discrimination. By setting the right example, a supervisor may discourage his or her employees from acting inappropriately. In addition, supervisors will often be the first to spot objectionable conduct or the first to receive a complaint about conduct which he or she did not observe. Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the Office of the Secretary of State.

Specifically, a supervisor must promptly address an observed incident of harassment or discrimination, or a complaint, with equal seriousness. The supervisor shall report it, take prompt action to investigate it, implement appropriate disciplinary action and take all necessary steps to eliminate the harassment or discrimination, while observing strict confidentiality. The supervisor shall retain all reports and records regarding these matters and seek approval from the EEO Officer prior to disposal of the same. The requirement that the supervisor take action also applies to cases where an employee tells the supervisor about behavior considered harassment or discrimination but does not want to make a formal complaint.

2.22.2 Procedures for Filing a Complaint

All employees must promptly report any harassment or discrimination they experience, learn of, or witness, to the immediate supervisor (unless the supervisor is the alleged harasser), upper level management in their department, EEO Officer, Department of Personnel, Ethics Officer, Inspector General or the Department of Human Rights. The following steps must be taken in preparation for filing a complaint:

1. **Direct Communication.** If there is harassing behavior or discrimination in the workplace, the harassed or discriminated employee should directly and clearly express her/his objection that the conduct is unwelcome and demand 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 or a memo.
2. **Document.** Document or record each incident (what was said or done, the date, the time, and the place). Documentation can be strengthened by written records such as letters, notes, memo, and telephone messages.
3. **Contact Supervisory Personnel.** In the event the employee feels threatened or the behavior warrants such, the harassed or discriminated employee must promptly report it to the immediate supervisor. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision. However, the employee experiencing what he or she believes to be harassment or discrimination must not assume that the Office of the Secretary of State is aware of this conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, it is likely the Office of the Secretary of State will be presumed not to have knowledge of the harassment or discrimination.

4. **EEO Officer.** The employee may also file a formal written complaint (EEO Complaint Form) of harassment or discrimination directly to the EEO Officer. All complaints must be received within 90 days of the alleged harassment or discrimination. The written complaint form can be found on ABE, which is the Secretary of State's Intranet website. The EEO Officer will counsel the reporting employee and be available to assist with filling a formal complaint. Upon receipt of the complaint, the EEO Officer shall review the complaint to determine the timeliness, validity and thoroughness of the information submitted in the complaint. If the information received is sufficient, the EEO Officer will fully investigate the merits of the complaint. In order to document the merits of the complaint, the investigation shall entail the verification of the information with witnesses to the alleged discriminatory action and if appropriate the immediate supervisors, and staff. At the conclusion of the investigation, the EEO Officer shall document the findings and advise the complainant and the alleged harasser of the results of the investigation.

2.22.3 Confidentiality
All reports, complaints, and subsequent investigations will be kept confidential to the extent possible from all persons who do not have a "need to know" of the complaints or investigations. Information regarding any allegations or investigations will only be revealed to the extent necessary for the Office of the Secretary of State to carry out the investigation, make a determination on the allegation and take any necessary disciplinary or corrective action.

2.22.4 Retaliation
No person making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any person who assists or cooperates in the investigation will be protected from retaliation. Any person making a complaint or who assists or cooperates will be protected from retaliation in accordance with the Secretary of State Policy Manual, the Whistleblower Act, and the Illinois Human Rights Act. Any person who retaliates against another person for making a complaint or assisting in the investigation, will be subject to corrective action including discipline, up to and including discharge.

2.22.5 False and Frivolous Charges
False and frivolous charges refer to cases where the accuser is using a harassment or discrimination complaint to accomplish some end other than stopping harassment or discrimination. 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 a severe offense that can itself result in disciplinary action, up to and including discharge.

2.22.6 Harassing Behavior
Examples of harassing behavior includes, but not limited to:

1. Racial slurs or negative or derogatory comments about a person's race.
2. Religious epithets or negative or derogatory comments about a person's religion or religious beliefs.
3. Homophobic language or negative or derogatory comments about a person's sexual orientation.
4. Spreading rumors, lies or half-truths based on an individual's protected status.
5. Constant or consistent teasing or ridicule because of an individual's protected class that leads to workplace interference. Comments that a reasonable person would characterize as "crossing the line" that is beyond casual rudeness (hostile work environment).
6. Targeting or bullying that leads to harassment or discrimination -verbal abuse or offensive conduct or behavior or intense acts of disrespect and incivility that is severe and pervasive. This includes threatening, humiliating attacks. Behavior can be in the electronic form - via social media, email and text.
7. Comments and behavior based on bias or stereotypes.
8. Demonstrating preferential treatment toward individuals solely because of their protected status.

Anyone found to have subjected an employee to harassment will be disciplined up to and including discharge.

Sexual Harassment Policy, Chapter 2, Number 39
All persons have a right to work in an environment free from sexual harassment. All persons are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. Anyone found to have sexually harassed another person shall be disciplined up to and including discharge.

A. Sexual harassment may be defined as any conduct consisting of 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. For purpose of this policy, "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and does not require an employment relationship.

B. Examples of sexual harassment conduct, includes, but not limited to:
   1. Verbal: Sexual innuendoes, 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.
   2. Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
   3. Visual: The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs.
   4. Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, rubbing shoulders, any coerced sexual act, or actual assault.
   5. Electronic Devices: Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages (such as e-mail, instant messaging, social media, voice mail, video, or any other electronically transmitted communication).

C. 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 applicable laws when that conduct is directed at the victim because of his or her gender. Sexual harassment may involve treating an individual unfavorably because of that person's sex and can occur between members of the same gender.

D. The fact that an employee does not openly object to others' actions or words does not prove it was welcome. Sexual harassment may occur even if the individual originally remains silent or fails to show disapproval. In some situations, acts and statements that may not offend some people may be highly offensive to others. Therefore, all employees should be sensitive to the feelings and beliefs of other employees.

Reporting Procedures for Acts of Sexual Harassment

1. An employee may report an allegation of sexual harassment to their immediate supervisor (unless the supervisor is the alleged harasser), upper level management in their department, EEO Officer, Department of Personnel, Ethics Officer, Inspector General or the Department of Human Rights.
2. All allegations of sexual harassment committed by SOS employees are to be forwarded to the Executive Inspector General.
3. If the Secretary of State Inspector General/ Executive Inspector General office receives a complaint alleging sexual harassment, there will be an initial review of the complaint as set forth in 2 Ill. Admin. Code 552.30(c)(2).
4. Allegations of misconduct that include violations of the prohibition against sexual harassment along with violations of other statutes or policies will be brought to the attention of the EIG for a determination of how to proceed with a joint investigation with the EEO Officer.
5. Employees can also contact the Illinois Department of Human Rights who administers the State of Illinois Sexual Harassment and Discrimination Helpline:

   Helpline: 1-877-236-7703 (Monday - Friday 8:30 to 5:00)
   Website: www.illinois.gov/sexualharassment

6. All other complaints of harassment and discrimination should be directed to the Equal Employment Opportunity Officer (EEO), and will be investigated in accordance with the Workplace Harassment and Discrimination Policy (Policy 2.22).

False and Frivolous Charges
False and frivolous charges refer to cases where the accuser is using a harassment or discrimination complaint to accomplish some end other than stopping harassment or discrimination. 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 a severe offense that can itself result in disciplinary action, up to and including discharge.

Confidentiality
All reports, complaints, and subsequent investigations will be kept confidential to the extent possible from all persons who do not have a "need to know" of the complaints or investigations. Information regarding any allegations or investigations will only be revealed to the extent necessary for the Office of the Secretary of State to carry out the investigation, make a determination on the allegation and take any necessary disciplinary or corrective action

Retaliation
No person making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any person who assists or cooperates in the investigation will be protected from retaliation. Any person making a complaint or who assists or cooperates will be protected from retaliation in accordance with the Secretary of State Policy Manual, the Whistleblower Act and the Illinois Human Rights Act. Any person who retaliates against another person for making a complaint or assisting in the investigation, will be subject to corrective action including discipline, up to and including discharge.

Outside Regulatory Agencies
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), the Equal Employment Opportunity Commission (EEOC), or any other appropriate government agency about filing a formal complaint. 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. For additional

information regarding the filing of claims of harassment or discrimination, employees may contact the following governmental agencies:

Illinois Department of Human Rights Web • www.state.il.us/dhr
P • 312-814-6200 (Chicago)
P • 217-785-5100 (Springfield)
P • 618-993-7463 (Marion)
TTY • 866-740-3953

Equal Employment Opportunity Commission
Web • www.eeoc.gov
P • 800-669-4000
TTY • 800-669-6820

Illinois Secretary of State • Privacy Policy • CyberdriveIllinois.com
Capitol Complex Security • 217-782-6008