

## **Sexual Harassment Policy**

The Municipal Employees' Annuity and Benefit Fund of Chicago ("MEABF") 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 MEABF employee found to have sexually harassed another will face disciplinary action, up to and including dismissal. Sexual harassment could also subject MEABF and, in some cases, an individual to civil penalties.

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

All MEABF employees and Board Members 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**

Pursuant 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.

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*<sup>1</sup> – 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.

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).

MEABF employees and Board Members should err on the side of caution to avoid allegations of sexual harassment.

### **Responsibility of MEABF Employees**

All MEABF 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 MEABF offices, including at MEABF social events or during MEABF business trips. Anyone who sexually harasses another will be reprimanded, even if they are MEABF contractors, vendors or visitors.

---

<sup>1</sup> Incoming and outgoing electronic messages on MEABF owned or issued equipment are subject to monitoring and employees can have no expectation of privacy on MEABF owned or issued electronic equipment. Any MEABF employee who is subjected to inappropriate electronic communications on or from MEABF owned or issued electronic equipment should immediately report the incident to a supervisor, the Executive Director, or Fund Counsel.

## **Responsibility of MEABF Board Members**

All MEABF Board Members have the responsibility to refrain from sexual harassment in the course of fulfilling their duties as fiduciaries to the MEABF. All sexual harassment is prohibited, whether it takes place within or outside of the MEABF offices, including at MEABF social events or during MEABF business trips.

## **Responsibility of Supervisory Personnel**

Each MEABF supervisor is responsible for maintaining a workplace free of 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 MEABF.

A supervisor must address an observed incident of sexual harassment or a complaint with equal seriousness. A supervisor must follow the following steps following a report or complaint of sexual harassment: promptly report the incident to Fund Counsel or the appropriate regulatory agency, 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 MEABF 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 but if subsequent messages are needed, they should be put in writing. (Documentation of what was said or done, the date, the time, and the place are strengthened by written records such as letters, notes, and memorandums.)

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 an immediate supervisor who must then report such issue to the Fund's Executive Director and Fund Counsel. The Fund's Executive Director and Fund Counsel must subsequently follow the appropriate procedures mandated in this Policy.

All allegations, including anonymous complaints, will be fully investigated regardless of how the matter comes to the attention of MEABF. 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.

### **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.

### **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.

### **Administrative Contacts**

#### Fund Counsel

Burke Burns & Pinelli, Ltd.

Mary Patricia Burns (312) 541-8600

#### 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

Springfield TDD: (217) 557-1500  
Chicago: (312) 814-6269  
Chicago TDD: (312) 814-4760

Equal Employment Opportunity Commission

Toll Free: (800) 669-4000  
Chicago TTY: (312) 869-8001

**THE MUNICIPAL EMPLOYEES' ANNUITY AND BENEFIT FUND OF CHICAGO  
EMPLOYEE ACKNOWLEDGMENT OF  
SEXUAL HARASSMENT POLICY**

I acknowledge that I have received, read and understand the Sexual Harassment Policy of the Municipal Employees' Annuity and Benefit Fund of Chicago. I agree to abide by the policy requirements as a condition of my employment. I understand that failure to comply with such policy could result in disciplinary action up to and including termination of employment. Please read the Sexual Harassment Policy carefully to ensure that you understand the policy before signing this document.

---

Employee Signature

---

Date

---

Employee Name (please print)