

# NON-DISCRIMINATION AND ANTI-HARASSMENT POLICY

**Introduction** - Neuhoff Communications is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits discriminatory practices, including harassment. Therefore, Neuhoff Communications expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the responsibility of each and every employee, intern, officer, official, commissioner or board member, agent, volunteer, and vendor of Neuhoff Communications, as well as anyone using Neuhoff Communications' facilities, to refrain from sexual and other harassment. Neuhoff Communications will not tolerate sexual or any other type of harassment of or by employees, interns, elected officials, or any other person in an employee's work environment. Actions, words, jokes, or comments based on an individual's actual or perceived gender (including gender identity or expression), sex, race, color, national origin, citizenship status, ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, sexual orientation, civil union partnership, order of protection status, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals because of his or her actual or perceived gender (including gender identity or expression), sex, sexual orientation, civil union partnership, race, color, national origin, citizenship status, ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, order of protection status, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and policies of Neuhoff Communications prohibit disparate treatment based on an individual's actual or perceived gender (including gender identity or expression), sex, sexual orientation, civil union partnership, race, color, national origin, citizenship status, ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, age, religion, disability, order of protection status, pregnancy, childbirth, or a medical condition related to pregnancy or childbirth, or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibition against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

In addition to this Policy and the agency's EEO Policy, Neuhoff Communications provides training on discrimination, harassment and retaliation to its employees at or near the time of hire and annually thereafter.

## DEFINITIONS OF HARASSMENT

1. **Sexual harassment** may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:
  - a. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
  - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
  - c. The harassment has the purpose or effect of interfering with the individual's work performance or creating an environment that is intimidating, hostile, or offensive to the individual.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender or sex. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

2. **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is unwelcome verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of an individual's actual or perceived race, color, religion, gender (including gender identity or expression), sex, sexual orientation, civil union partnership, age, national origin, citizenship status, ancestry, marital status, veteran status, genetic information, unfavorable discharge from military service or military status, disability, order of protection status, pregnancy, childbirth, or a medical condition related to childbirth or pregnancy, or any other characteristic protected by law, or that of an individual's relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings, business-related social events and any other location where the individual is assigned to perform his or her job duties.

**Note**

**Any employee/ intern engaging in practices or conduct constituting sexual harassment, discrimination, harassment, or retaliation (as discussed later in this policy) of any kind will be subject to disciplinary action, up to and including discharge.**

**RETALIATION IS PROHIBITED** - Neuhoff Communications prohibits retaliation against any individual because he or she reports discrimination, harassment, or retaliation, participates in an investigation of such reports, and/or who files a charge of discrimination, harassment, or retaliation. Retaliation against an individual for reporting harassment, discrimination, or retaliation, for participating in an investigation of a claim of harassment, discrimination, or retaliation, or for filing a charge of discrimination, harassment, or retaliation is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action, up to and including termination of employment.

In addition to Neuhoff Communications' prohibition on retaliation, various state and federal laws prohibit retaliation for reports of discrimination, harassment, or retaliation. For instance, protections against retaliation exist under the Illinois Human Rights Act, and, depending on the circumstances, protections against retaliation may exist under the Illinois Whistleblower Act and/or the State Officials and Employee Ethics Act.

**REPORTING PROCEDURE** - Neuhoff Communications strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. This policy applies to all full-time, part-time, temporary, and seasonal employees and interns. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment, discrimination, or retaliation. Therefore, while no fixed reporting period has been established, the Neuhoff Communications strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing, discriminatory, or retaliatory conduct from promptly advising the offender that the offender's behavior is unwelcome and requesting that it be discontinued. However, nothing in this policy will require individuals who believe they are being subjected to harassing, discriminatory, or retaliatory behavior to so advise the offender.

If you experience or witness harassment, discrimination, or retaliation of any kind, you should deal with the incident(s) as directly and firmly as possible by clearly communicating your position to your immediate supervisor, your department head, and/or the Director. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, texts, social media postings, tweets, e-mails, and telephone messages can strengthen documentation. It is not necessary that the discrimination, harassment, or retaliation be directed at you to make a complaint.

- **Direct Communication with Offender:** If there is harassing, discriminatory, or retaliatory behavior in the workplace, and if you feel comfortable doing so, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed individual, and if you feel comfortable doing so, you should also clearly state that the conduct is unwelcome and the offending

behavior must stop. However, you are **not** required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. Further, you are **not** required to directly confront the person who is the source of your report, question, or complaint if you feel uncomfortable doing so. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.

- Report to Supervisory and Administrative Personnel: At the same time direct communication is undertaken, or in the event you feel threatened or intimidated by the offending person, you should promptly report the offending behavior to your immediate supervisor, your Department Head or the Superintendent of the Department. If you feel uncomfortable doing so, or if your immediate supervisor and/or Department Head and/or Superintendent are the source of the problem, condones the problem or ignores the problem, please report the conduct directly to the Director. If the Director is the source of the problem, condones the problem, or ignores the problem, you should immediately report the incident or incidents in writing directly to the President of the Board.
- Report to Executive Vice President: An individual may also report incidents of harassment, discrimination, or retaliation directly to the Director. If your complaint alleges harassment, discrimination, or retaliation by the Director, or if the Director condones the problem or ignores the problem, you should immediately report the incident or incidents in writing directly to the President of Neuhoff.

When an allegation of discrimination, harassment, or retaliation is reported, an investigation will be conducted within a prompt period of time and appropriate remedial action will be taken when an allegation is determined to be substantiated. At no time will personnel involved in the alleged discrimination, harassment, or retaliation conduct the investigation.

**FOR ILLINOIS EMPLOYEES:** Nothing in this policy precludes a report of discrimination, harassment, or retaliation to the Illinois Department of Human Rights, which is the State agency responsible for enforcing the Illinois Human Rights Act, as described in the "Conclusion" section below. Further, the IDHR maintains a hotline for confidential reports of sexual harassment: 877-236-7703

**FOR INDIANA EMPLOYEES:** Nothing in this policy precludes a report of discrimination, harassment, or retaliation to the Indiana Civil Rights Commission which is the State agency responsible for enforcing the Indiana Harassment Claims. The Indiana Civil Rights Commission may be contacted by phone or e-mail: Office: 317-232-2600; Toll Free: 800-628-2909; Hearing Impaired: 800-743-3333; E-mail: [ICRC@crc.in.gov](mailto:ICRC@crc.in.gov).

**HARASSMENT ALLEGATIONS AGAINST NON-EMPLOYEES/THIRD PARTIES** - If you make a complaint alleging harassment, discrimination, or retaliation against an agent, vendor, supplier, contractor, volunteer or person using Neuhoff Communications programs or facilities, the Director (or her designee) will promptly investigate the incident(s) and determine the appropriate remedial action, if any. Neuhoff Communications will take reasonable efforts to protect you from further contact with such persons when warranted or will take other reasonable steps to remediate the situation.

**Important Notice to All Employees**

**Individuals who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of the complaint reporting procedure.**

**HARASSMENT OF NON-EMPLOYEES** - Harassment of non-employees by employees is strictly forbidden and will be subject to discipline, up to and including termination. If a non-employee has a complaint of harassment, the non-employee should notify the Neuhoff Communications' Human Resources Department. If the Human Resources Department is implicated by the allegation, the report can be made to the Director of Neuhoff Communications. If both the Human Resources Department and the Director are implicated by the allegation, the report can be made to the Executive Vice President. The allegations of the complaint will be thoroughly investigated by the Human Resources Department, Director, or Executive Vice President (or his or her designee) as appropriate and, if warranted, reasonable remedial measures will be taken. For the purposes of this Section, "non-employee" means a person who is not otherwise an employee of the agency and is directly performing services for the employer pursuant to a contract with the employer; it includes contractors and consultants.

**RESPONSIBILITY OF SUPERVISORS AND WITNESSES** - Any supervisory or managerial employee who becomes aware of any possible sexual or other harassment, discrimination, and/or retaliation of or by any individual should

immediately advise the Director, and the Director (or his or her designee) will investigate the conduct promptly and take prompt remedial action if the allegations are substantiated.

All individuals are encouraged to report incidents of harassment, discrimination, and retaliation, regardless of who the offender may be or whether or not you are the intended victim.

**THE INVESTIGATION** - Any reported allegations of harassment, discrimination, or retaliation will be investigated promptly. Neuhoff Communications will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee **absolute** confidentiality, as Neuhoff Communications must be able to fully investigate and take prompt remedial action when necessary. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other knowledge relevant to the allegations. Neuhoff Communications reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment, discrimination, or retaliation. You must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including termination of employment.

**RESPONSIVE ACTION** - After investigation, Neuhoff Communications will determine whether a complaint of harassment, discrimination or retaliation has been substantiated or not based on a review of the facts and circumstances of each situation. Misconduct constituting a violation of this policy (such as engaging in harassment, discrimination, or retaliation), will be dealt with appropriately. Appropriate responsive action for a substantiated complaint may include, by way of example only: training, referral to counseling, and/or disciplinary action (such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination of employment), as Neuhoff Communications believes appropriate under the circumstances.

**FALSE AND FRIVOLOUS COMPLAINTS** - Given the possibility of serious consequences for an individual accused of sexual or other harassment, discrimination, or retaliation, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action, up to and including dismissal.

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## EMPLOYEE ACKNOWLEDGEMENT

I, the undersigned employee, acknowledge that I received a copy of Non-Discrimination and Anti-Harassment Policy and understand the reporting chain of command.

I agree to read and become familiar with the contents of the policy. I will ask my supervisor about any items which are unclear to me.

I understand that the Non-Discrimination and Anti-Harassment Policy may change at any time and I may be required to adjust my work habits accordingly.

Date: \_\_\_\_\_

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Employee Signature

**EMPLOYEE ACKNOWLEDGEMENT OF TRAINING**

I, the undersigned Employee, acknowledge that I viewed the training video offered by the Department of Human Rights.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Employee Name (Printed)

\_\_\_\_\_  
Employee Signature