

Discrimination and Harassment



EFFECTIVE: 04.19.2001
REVISED: 01.01.2021

POLICY:

Three Rivers Park District seeks to maintain non-discriminatory employment practices and a work environment free from all forms of protected-class discrimination and/or harassment.

The Park District will not tolerate protected-class discrimination or harassment toward its employees, nor will it tolerate reprisals against any employee who makes a complaint of discrimination or harassment, or cooperates in an inquiry or investigation of a complaint.

This policy applies to applicants, employees, contractors, interns, apprentices, and volunteers of the Park District.

SANCTIONS AND/OR CORRECTIVE ACTION:

Appropriate disciplinary action will be taken against individuals who engage in conduct based on an applicant's or employee's protected class. Appropriate disciplinary action will also be taken against supervisors and managers who fail to take timely and appropriate action in accordance with this policy when conduct that may violate this policy is brought to their attention or who fail to keep the complaint confidential. Some forms of discrimination or harassment are also criminal acts that may be referred to local law enforcement. Additionally, other corrective action will be taken when the Park District determines it is necessary to build and/or restore a respectful work environment.

In addition to prohibiting protected-class discrimination and harassment, this policy is intended to support and promote a professional work environment. This policy is not designed or intended to limit the Park District's authority to discipline employees, or take remedial action towards individuals for workplace conduct which the Park District deems unacceptable, regardless of whether that conduct satisfies the definition of protected-class discrimination or harassment contained in this policy.

DEFINITIONS AND PROHIBITED ACTS:

Discrimination - To intentionally or unintentionally treat individuals or groups of individuals differently because of membership in a protected class.

Protected class - An individual's race, color, sex, gender identity, religion, creed, national origin, disability, age, sexual orientation, marital status, and familial status, status with regard to public assistance, and membership or activity in a local commission.

Physical harassment - Unwelcome physical contact and physical actions which include, but are not limited to: (1) Display of posters, signs, pictures, cartoons, symbols, written statements, or other materials that belittle or discriminate against any individual(s) (2) unwelcome and offensive behavior - Whether or not an employee openly objects to others' on protected class; and (3) Non-verbal behaviors including gestures and facial expressions.

Verbal harassment - Unwelcome statements, including but not limited to name-calling or other verbal conduct that belittles or discriminates against any individual(s) based on protected class.

Prohibited statements include using derogatory names or terms when referring to individuals or groups of individuals.

Sexual harassment - A form of discrimination by any individual(s), male or female, toward any other individual(s), male or female, that includes unwelcome romantic or sexual advances, unwelcome requests for a romantic or sexual relationship, requests for sexual favors, or verbal or physical conduct based upon the individual's sex when any of the following occurs:

- A. Such conduct intentionally or unintentionally interferes or results in interference with an employee's work performance, or creates an uncomfortable, intimidating, hostile, or offensive work environment.
- B. Submission to or rejection of such conduct is used as a basis for employment decisions affecting the employee or job applicant, and/or made a term or condition of an individual's continued employment, promotion, or other condition of employment. This may occur by explicit acts or words, or acts or words that are implied.

Physical sexual harassment - Prohibited actions include, but are not limited to: touching oneself or another person in a sexually suggestive way; physical contact or positioning so as to invade personal privacy; intentional touching of anatomy that is private; intentional movements/actions made in an attempt to look at another's private areas; movements/actions that allow another to view one's own private areas; sexually suggestive gestures; and the display or placement of nude or semi-nude pictures, sexually oriented magazines or posters, sexually offensive cartoons, and other words or pictures of a sexually suggestive nature.

Verbal sexual harassment - Examples of prohibited statements include, but are not limited to: derogatory or vulgar comments or language of a sexual nature; inquiries about or comments regarding one's sexual activities; remarks about a person's physical anatomy or characteristics; "dirty" jokes; sexual innuendo; sexually explicit language; threats of physical harm; and distribution or display of written or graphic sexual materials.

Unwelcome and offensive behavior - Whether or not an employee openly objects to others' actions or words does not dictate if it was welcome or acceptable in the workplace. Harassment may occur even if the individual originally remains silent or fails to show disapproval. Acts and statements that may not be offensive to some people may be extremely offensive to others. As a result, all employees must conduct themselves professionally in their interaction with others in the workplace.

PROCEDURES:

A. Employee/Volunteer/Contractor Responsibilities

1. Any employee, volunteer, or contractor who believes he/she is being discriminated against or harassed may follow the procedures below. The Park District believes the following procedures can be an effective method of dealing with discrimination and harassment.
2. Ask the person with whom you have an issue to stop the behavior that you believe is discrimination or harassment. Be specific about the exact behavior you want stopped. If practical, have a witness such as a co-worker present to hear your complaint and the individual's response. Write a note or memo to yourself outlining what you said and what the response was. Date the memo and keep it. Written evidence of your complaint is helpful if the individual does not stop the discrimination or harassment.
3. If uncomfortable with the above, or if you feel the discrimination or harassment is likely to cause you a direct employment problem such as demotion, denial of a pay increase,

discipline, or create an uncomfortable, offensive, hostile, or intimidating environment, immediately report it to your supervisor or manager or directly to Human Resources. While not required, you may find the Complaint Reporting Form (Attachment A) useful in recording the details of the incident. You may be asked to submit a copy of any written documentation or a written summary of what has occurred.

4. It is advisable to document the incidents you consider discrimination or harassment. Write down what was said and done, who may have witnessed it, and the date. Keep any related letters, memos, or written documentation and bring these to the attention of your supervisor, manager, or Human Resources.

B. Supervisor and Manager Responsibilities

1. Monitor their own behavior to assure that they behave professionally toward other supervisors and managers, employees, volunteers, contractors, and visitors.
2. A supervisor or manager who receives a complaint of discrimination or harassment, or becomes aware of a situation that is a potential violation of this policy (regardless of whether a complaint has been made) will immediately notify Human Resources and forward all written documentation to them. No investigation or discussion with the involved individuals should be initiated by supervisors or managers without direction from Human Resources.
3. Implement this policy and ensure that all employees have knowledge and understanding of this policy.
4. Take immediate and appropriate corrective action to ensure compliance with the intent of this policy. Upon observing words or actions that may violate this policy, managers and supervisors must immediately take corrective action, even if no complaint has been made and then immediately report the situation to Human Resources for review and direction.

C. Procedure for Handling Complaints

1. Human Resources will review the complaint and determine who will conduct a fact-finding inquiry or investigation into the complaint.
2. Complaints will be handled in a timely manner. No person is permitted to discuss the complaint, the identity of the complainant, or any other facts, except where necessary for investigating the complaint or deciding a dispute. All managers, supervisors, and employees are subject to disciplinary action if they unnecessarily disclose information about the complaint, the investigation, allegations, or facts concerning the complaint and investigation.
3. When initiating a complaint, and during the investigation process, the complainant should be assured that Park District Policy and the law prohibit reprisal for making a good-faith complaint, even if it is later determined that a violation of policy did occur.
4. In conjunction with the fact-finding inquiry or investigation, at a minimum, the following will occur:
 - a. The complainant will be advised of the fact-finding or investigative procedure and will be asked to explain the facts that led to the complaint.
 - b. The respondent will be advised of the complaint and the fact-finding or investigative procedure, and given an opportunity to tell his or her side of the story or explanation

(this may occur at any time during the investigative process as determined by the investigator).

- c. Additional evidence or facts may be obtained by reviewing relevant files, documentation, interviewing possible witnesses, other alleged victims and co-workers, while disclosing as little about the case as is feasible.
 - d. The findings will be reported to the Superintendent or designee.
5. If the inquiry or investigation findings support that a violation of this policy occurred, the Human Resources will notify the complainant of this fact. Human Resources, in consultation with the respondent's supervisor and the respective division or department head, will determine the action to be taken and the supervisor will notify the respondent.
 6. If the investigation findings do not support that a violation of this policy occurred, Human Resources will notify the complainant, respondent, and the Superintendent.
- D. Discrimination or Harassment by Customers, Contractors, and Other Persons Who Are Not Employees of the Park District
1. If an employee feels offended or harassed by a non-employee, the employee should take the same steps outlined in the preceding section of this policy.
 2. If the Park District determines that a violation of this policy or other inappropriate action occurred, the Park District will take steps to stop the discrimination or harassment. However, the Park District may delegate this duty when another agency or entity will be more effective.
 3. Possible remedial action will promptly be taken and can include, but is not limited to, a written warning to the subject of the complaint or his/her employer, prohibiting the individual from returning to the Park District's premises, or refusal to continue doing business with the individual or his/her employer.



Complaint Reporting Form

Discrimination and Harassment: **ATTACHMENT A**

Use this form to record the details of the incident as completely as possible. Report the incident to your supervisor immediately.

Name: _____

Supervisor _____

Division or Department: _____

Date and time of Incident: _____

Location of Incident: _____

INCIDENT: _____

Provide a statement regarding the incident. Include as many details as possible, such as what was said

ACTION: _____

What actions have you taken in regard to this incident to date?

WITNESS: _____

Who else may have witnessed the incident?

Claimant:		
	Your Signature	Date

Employee Conduct

EFFECTIVE: 05.17.2006

POLICY:

Employees are expected to follow rules of conduct that will protect the interests and safety of all employees, park guests, and Three Rivers Park District as an organization. The following list may be just cause for disciplinary action, but does not constitute the only causes for disciplinary action, including suspension or termination of employment:

- A. Unprofessional conduct toward others
- B. Inducing or attempting to induce any employee of the Park District to commit an unlawful act or to act in violation of an official regulation or order
- C. Misappropriation, embezzlement, theft, or inappropriate removal or possession of Park District property
- D. As a supervisor, knowingly permitting another Park District employee to violate this policy or other work rules, or as an employee, failing to report the same to the employee's supervisor
- E. Conviction of a crime directly related to the employee's occupation
- F. Failing to maintain licenses, certificates, and/or registrations required to perform the job
- G. Failing to notify a supervisor of an accident while operating Park District equipment
- H. Falsification of timekeeping records
- I. Be intoxicated or drink alcoholic beverages during working hours
- J. Make, possess, sell, buy, transfer, consume or be under the influence of a controlled substance/drug during working hours
- K. Fighting or threatening violence in the workplace
- L. Boisterous or disruptive activity in the workplace
- M. Negligence or improper conduct leading to damage of employer, contractor, or customer-owned property
- N. Insubordination or other disrespectful conduct
- O. Violation of safety or health rules
- P. Smoking in prohibited areas
- Q. Sexual or other unlawful harassment or discrimination
- R. Failure to cooperate in an investigation
- S. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- T. Excessive absenteeism or any absence without prior notice, or excessive tardiness
- U. Unauthorized absence from the workstation during the workday
- V. The use of any Park District vehicle or property for personal use or gain
- W. Unauthorized use of telephones, mail system, computers, or other employer-owned equipment
- X. Unauthorized disclosure of business "secrets" or confidential information
- Y. Violation of Park District policies
- Z. Unsatisfactory performance or conduct

Any misrepresentations, falsifications, or material omissions on employment applications or any other information provided to the Park District by an employee or candidate for employment may result in the exclusion of the individual from further consideration for employment or termination from employment.

Each division, department, and most work locations have established work rules unique to that division, department and/or work site's needs. Employees are responsible for knowing and following those rules.

As a condition of employment, every employee must notify their supervisor or Human Resources of any conviction of a crime directly related to the employee's occupation no later than five (5) working days after such a conviction.

As a condition of employment, every employee must notify their supervisor or Human Resources of any loss of licenses, certificates, and/or registrations required to perform the job no later than five (5) working days after such loss of licenses, certificates, and/or registrations.