

Peoria Area Amateur Radio Club

SEXUAL HARASSMENT POLICY

The Peoria Area Amateur Radio Club (PAARC) is committed to providing a working environment that is free from all forms of discrimination, including sexual harassment. Any person representing PAARC, (contractor, officer, director, or volunteer appointed by the Board) at any event (project, program, convention, outreach, or visitation), who's behavior fits the definition of sexual harassment is a form of misconduct which will result in disciplinary action up to and including removal from office, loss of membership, and or termination of contract. Sexual harassment could subject this organization and, in some cases, an individual to substantial civil penalties.

The organization's policy on sexual harassment is part of its overall affirmative action efforts pursuant to federal and state laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender. Specifically, sexual harassment is prohibited by Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act.

Any person representing the PAARC must refrain from sexual harassment. No person – male or female – should be subjected to unsolicited or unwelcomed sexual overtures or conduct. Furthermore, it is the responsibility of the Board of Directors to make sure that any venue PAARC is being represented is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive, or disruptive or which creates a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner.

All representatives of this organization, particularly the board, must become familiar with the contents of this policy.

DEFINITION OF SEXUAL HARASSMENT

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any unwelcome sexual advances, 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 ability to attend or participate in an event;
2. Submission to or rejection of such conduct by an individual is used as the basis for excluding an individual from participation or attending or participating; or
3. Such conduct has the purpose or effect of substantially interfering with an individual's ability to participate or attend or creating an intimidating, hostile, or an offensive environment at an event.

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.

One example of sexual harassment is a case where a qualified individual is denied employment opportunities (participation or attendance) and benefits after rejecting the supervisor's (representative) sexual advances or request(s) for sexual favors or the individual is terminated (not allowed participation). Another example is when an individual is subjected to unwelcome sexual conduct because of his or her gender which would make it difficult for an attendee to participate in an event. Other conduct, which may constitute sexual harassment, includes:

- Verbal: Sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about others, even outside of their presence, of a sexual nature.
- Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: Posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.
- Textual/Electronic: "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

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 (for example, a female representative who reports to an event and finds her materials stolen, her work station filled with trash and her equipment disabled by her male co-representatives because they resent having to work with a woman).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

For this reason, every representative must remember that seemingly "harmless" and subtle actions may lead to sexual harassment complaints. The use of terms such as "honey", "darling" and "sweetheart" is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level. And while use of these terms by an individual with authority over a female will rarely constitute an adverse action, it may lead to the creation of a hostile event environment.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman at an event:

"That's an attractive dress you have on."

"That's an attractive dress. It really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on individual perceptions and values. To avoid the possibility of offending anyone, it is best to follow a course of conduct above reproach or to err on the side of caution.

Sexual harassment is unacceptable misconduct, which affects both genders. Sexual harassment will often involve a man's conduct directed at a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

RESPONSIBILITY OF INDIVIDUAL EMPLOYEES

Each individual representative has the responsibility to refrain from sexual harassment in the workplace.

An individual representative who sexually harasses another is, of course, liable for his or her individual conduct.

The harassing representative will be subject to disciplinary action up to and including discharge in accordance with PAARC policy.

RESPONSIBILITY OF BOARD MEMBERS AND PAARC REPRESENTATIVES

Each Board Member and representative is responsible for maintaining an event free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of misconduct. It must be remembered that Board Members are the first line of defense against sexual harassment. By setting the right example, we discourage representatives from acting inappropriately. In addition, they 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.

The courts and the Illinois Human Rights Commission have found that organizations as well as supervisors (Board Members) can be held liable for damages related to sexual harassment by a manager, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales, representative, or repair person).

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline among representatives, or Board Members, acting as an agent of the organization. It should be noted that recent United States Supreme Court cases involving sexual harassment claims against supervisors (overseers) have made the employer's (organizations) liability for

supervisors' actions even stricter. Therefore, supervisors must understand that their adherence to this policy is vitally important; both with regard to their responsibility to maintain an event environment free of harassment and, even more importantly, with regard to their own individual conduct. The law continues to require Boards to remain vigilant and effectively remedy sexually harassing conduct perpetrated by individual(s) on their co-representatives. Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the organization.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with equal seriousness, report it, take prompt action to investigate it, implement appropriate disciplinary action, take all necessary steps to eliminate the harassment and observe strict confidentiality. This also applies to cases where an individual tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.

Also, supervisors must ensure that no retaliation will result against any individual making a sexual harassment complaint.

Furthermore, Board Members should remind representatives, on a regular basis, that their incoming and outgoing electronic messages on PAARC owned/issued equipment are subject to monitoring and that individuals have no expectation of privacy on PAARC owned/issued electronic equipment. Inform these individuals that if they are subjected to inappropriate electronic communications on PAARC owned equipment, or even on their personal cell phones and computers, that they should contact a Board Member immediately. Advise Board Members, and representatives not to “friend” each other on social networks and to limit their electronic messages to relevant matters. Investigate complaints on a case-by case basis and remind representatives of the company’s code of conduct and ethics rules if applicable.

PROCEDURES FOR FILING A COMPLAINT

An individual who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending individual and a Board Member.

It is not necessary for sexual harassment to be directed at the person making a complaint. The following steps may also be taken: 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, memos, and telephone messages.

All charges, including anonymous complaints, will be accepted and investigated regardless of how the matter comes to the attention of PAARC. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Proper responses to conduct which is believed to be sexual harassment may include the following:

Electronic/Direct Communication. If there is sexual harassing behavior at any event, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request 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.

At the same time direct communication is undertaken, or in the event the representative feels threatened or intimidated by the situation, the problem must be promptly reported to the entire Board.

If the harasser is a Board member; the problem should be reported to the entire Board or multiple Board members as a formal written complainant. The organization will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.

Resolution Outside Company. 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 individual has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal 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, (IHRC) after IDHR has completed its investigation of the complaint. Where the represented entity has an effective sexual harassment policy in place and the complaining representative fails to take advantage of that policy and allow the organization an opportunity to address the problem, such an individual may, in certain cases, lose the right to further pursue the claim against the organization.

ADMINISTRATIVE CONTACTS

☐ Illinois Department of Human Rights (IDHR) Chicago: 312-814-6200 or 800-662-3942
Chicago TTY: 866-740-3953 Springfield: 217-785-5100 Springfield TTY: 866-740-3953
Marion: 618-993-7463 Marion TTY: 866-740-3953

☐ Illinois Human Rights Commission (IHRC) Chicago: 312-814-6269 Chicago TTY: 312-814-4760 Springfield: 217-785-4350 Springfield TTY: 217-557-1500

□ United States Equal Employment Opportunity Commission (EEOC) Chicago: 800-669-4000
Chicago TTY: 800-869-8001

A representative, who is suddenly removed from events or passed over for participation at events after filing a complaint with IDHR or EEOC, may file a retaliation charge, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

A representative who has been physically harassed or threatened while at an PAARC event may also have grounds for criminal charges, such as assault or battery.

FALSE AND FRIVOLOUS COMPLAINTS

False and frivolous charges 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 a severe offense that can itself result in disciplinary action.