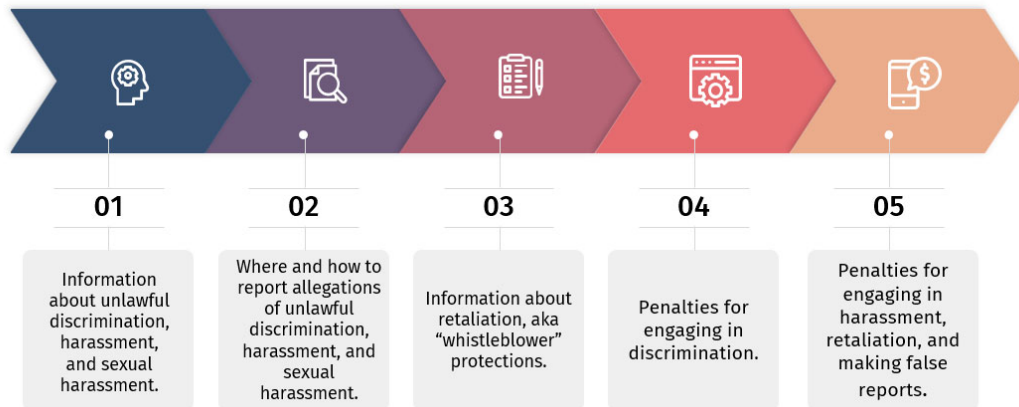


2025 Harassment & Discrimination Prevention

for **Agencies of the Illinois Governor**

In this training, you will learn...



The State has various avenues for reporting if you are experiencing or witnessing prohibited conduct.

Remember, even if conduct does not rise to the level of unlawful discrimination, harassment, or sexual harassment, that does not mean that it is appropriate for the workplace.

Discrimination and Harassment are Prohibited

State employees, officials, and appointees are prohibited from engaging in unlawful discrimination, harassment, and sexual harassment.

Unlawful discrimination, harassment, and sexual harassment are each violations of the Illinois Human Rights Act ("Human Rights Act," [775 ILCS 5](#)). Additionally, unlawful discrimination is a violation of the Illinois Civil Rights Act of 2003 ("Civil Rights Act," [740 ILCS 23](#)) and sexual harassment is a violation of the State Officials and Employees Ethics Act ("Ethics Act," [5 ILCS 430](#)). Finally, unlawful discrimination, harassment, and sexual harassment are often violations of agency personnel policies. It is your responsibility to become familiar with and abide by your agency's policies.

The Ethics Act

State employees, officials, and appointees are subject to the State Officials and Employees Ethics Act, or "Ethics Act" ([5 ILCS 430](#)).

The Ethics Act requires that:

You be aware that you are prohibited from engaging in unlawful discrimination and harassment as defined by the Human Rights Act ([775 ILCS 5](#));

"All persons have a right to work in an environment free from sexual harassment." [5 ILCS 430/5- 65\(a\)](#);

"All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof." [5 ILCS 430/5-65\(a\)](#);

The Ethics Act (Continued)

Each agency must conduct a harassment and discrimination prevention training; and

A report be made to the Executive Ethics Commission ("EEC") including the names of individuals who failed to complete this required training.

The report of individuals who did not complete this training will be made publicly available on the EEC website.

The Illinois Human Rights Act

The Human Rights Act makes it a civil rights violation to engage in unlawful discrimination, harassment, sexual harassment, and retaliation. This training will discuss each of these prohibited actions and methods for reporting such conduct. [775 ILCS 5](#).

The Illinois Civil Rights Act of 2003

Under the Civil Rights Act, no unit of state, county, or local government may:

Exclude a person from participation in, deny a person the benefits of, or subject a person to discrimination under any program or activity based on that person's race, color, national origin, or gender; or

Use criteria or methods of administration that have the effect of subjecting individuals to discrimination because of their race, color, national origin, or gender (commonly referred to as "disparate impact" or "adverse effect").

[740 ILCS 23/5\(a\)](#).

A policy, practice, or action that appears neutral but has a discriminatory effect on a protected group is prohibited. For example, requiring certain questions to be answered by all applicants may have a disparate impact and could be deemed discriminatory if applicants of a protected class are eliminated more frequently as a result of asking a specific question.

Unlawful Discrimination

Unlawful discrimination is defined by the Human Rights Act.

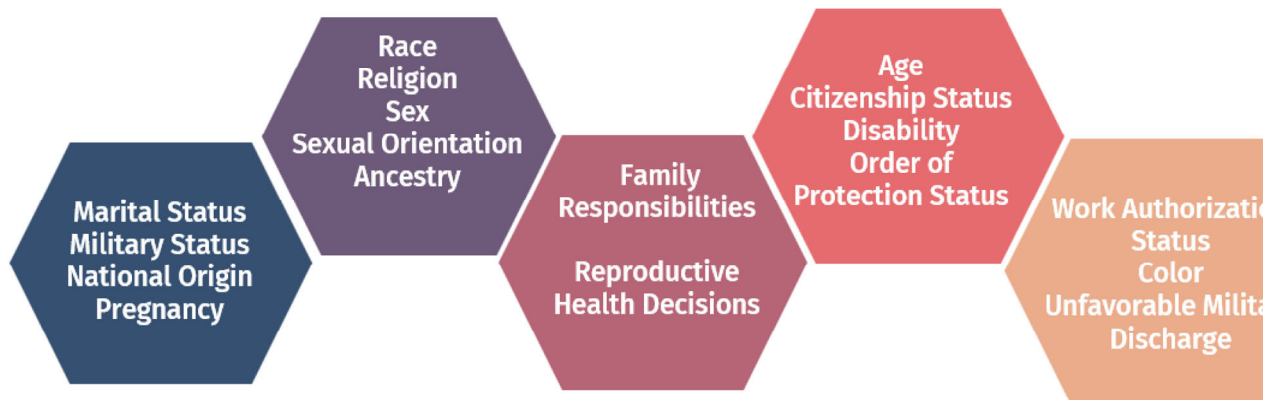
Unlawful discrimination is discrimination against a person because of the person's "actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, reproductive health decisions, or unfavorable discharge from military service..." as well as on the basis of citizenship status, work authorization status, or family responsibilities. [775 ILCS 5/1-103\(O\)](#) and [§ 2-102\(A\)](#).

Each of the categories listed above is a protected class defined by the Human Rights Act.

Unlawful discrimination occurs when an employer takes an employment action because of an applicant's or employee's actual or perceived membership in one of the protected classes listed above. However, an employer is not prevented from taking employment action(s) for another reason unrelated to an applicant's or employee's membership in a protected class.

Protected Classes Under the IHRA

Click the image for definitions of protected classes.



Civil Rights Violations

It is a civil rights violation for "any employer to refuse to hire, to segregate, to engage in harassment [], or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination, citizenship status, work authorization status, or family responsibilities." [775 ILCS 5/2-102\(A\)](#).

Employment agencies and labor organizations are also prohibited from certain conduct on the basis of unlawful discrimination, citizenship status, work authorization status, or family responsibilities. [775 ILCS 5/2-102\(B\)](#) and [\(C\)](#).

In addition, the Human Rights Act outlines several practices that are civil rights violations, including provisions related to language, immigration-related practices, religious discrimination, training and apprenticeship programs, reasonable accommodations, and family responsibilities.

Language

It is unlawful for employers to prohibit employees from speaking their native language in communications that are unrelated to their work duties. [775 ILCS 5/2-102\(A-5\)](#). "Language" refers to a person's native tongue, such as Polish, Spanish, or Chinese, but does not include slang, jargon, profanity, or vulgarity.

For example, employees cannot be prohibited from speaking their native language when discussing their vacation plans during their lunch break.

Religious Discrimination

It is unlawful "for any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion," unless the employer cannot reasonably accommodate the prospective employee or employee without undue hardship on the employer's business. [775 ILCS 5/2-102\(E-5\)](#).

An employer is permitted to enact a dress code or grooming policy in order to maintain workplace safety or food sanitation. [775 ILCS 5/2-102\(E-5\)](#).

Further, it is a civil rights violation for a public employer, consistent with operational needs, to refuse to permit a public employee, who takes time off work to practice religion, from performing his or her work during the employee's non-scheduled hours in order to compensate for work time lost for such religious reasons. [775 ILCS 5/2-102\(E\)](#).

Training and Apprenticeship Programs

Discrimination based on age in training and apprenticeship programs is prohibited.

It is unlawful "for any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs." [775 ILCS 5/2-102\(F\)](#).

For purposes of this prohibition, "age" means between 18 and 39 years old.

Immigration-Related Practices

Certain immigration-related practices can be unlawful. [775 ILCS 5/2-102\(G\)](#).

It is unlawful for an employer to request more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine.

It is unlawful for an employer to refuse to honor work authorization based upon the specific status or term of status that accompanies the authorization to work.

Reasonable Accommodations for Employees with Disabilities

Employers must make reasonable accommodations of known physical or mental limitations of otherwise qualified applicants or employees with disabilities, unless the employer can demonstrate undue hardship.

Accommodations may include alteration of the facility or work site, modification of work schedules or leave policy, acquisition of equipment, job restructuring, provision of readers or interpreters, and other similar actions.

Reasonable Accommodations for Pregnancy

"Reasonable accommodation" means reasonable modifications or adjustments to the job application process or work environment or to the manner or circumstances under which the position desired or held is customarily performed, that enable an applicant or employee affected by pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth be considered for the functions of that position.

It is unlawful for an employer to deny employees reasonable accommodations related to pregnancy or childbirth.

It is unlawful for an employer not to make a reasonable accommodation for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that it would impose an undue hardship on the ordinary operation of the business.

It is also unlawful for an employer to require a job applicant or employee to accept an accommodation when that individual did not request one.

Reasonable Accommodations for Pregnancy (Continued)

An employer may not require an employee to take leave if another reasonable accommodation can be provided.

An employer shall reinstate the employee to their original job or equivalent position upon the employee signifying their intent to return or when the need for the reasonable accommodation ends, unless the employer demonstrates that the accommodation would impose an undue hardship on the ordinary operation of the business.

Further, an employer may not deny employment opportunities or benefits or take adverse action because an individual needs a reasonable accommodation.

[775 ILCS 5/2-102\(I\) and \(J\)](#)

Family Responsibilities

An employer, employment agency, or labor organization is not obligated to "make accommodations or modifications to reasonable workplace rules or policies for an employee based on family responsibilities, including accommodations or modifications related to leave, scheduling, productivity, attendance, absenteeism, timeliness, work performance, referrals from a labor union hiring hall, and benefits, as long as its rules or policies are applied in accordance with this Act. Further, nothing . . . prevents an employer from taking adverse action or otherwise enforcing reasonable workplace rules or policies related to leave, scheduling, productivity, attendance, absenteeism, timeliness, work performance, referrals from a labor union hiring hall, and benefits against an employee with family responsibilities as long as its policies are applied in accordance with the [Human Rights Act]." [775 ILCS 5/2-104\(E\)](#).

Examples of Unlawful Discrimination

Conduct may amount to unlawful discrimination if, based on a person's actual or perceived membership in one or more protected classes, an employer takes action involving:

- recruitment;
- hiring;
- promotion;
- demotion;
- renewal of employment;
- selection for training or apprenticeship;
- discharge;
- discipline;
- tenure or terms;
- privileges and/or other conditions of employment.

It is not "unlawful discrimination" when an employer takes any of the above-mentioned employment action(s) for another reason unrelated to an applicant's or employee's membership in a protected class.

Example 1: Question

Eleanor is a pregnant woman who recently told her employer that she is expecting a child and her due date is seven months away. The following week, Eleanor asked for time off to attend a doctor's appointment that was two weeks away. Three weeks later, Eleanor had another doctor's appointment and requested time off work within the required notice period. Two weeks later, Eleanor's employer told her that the agency had decided to make her position part-time because of Eleanor's "condition." Her employer said this would be good for Eleanor because now she could focus on her doctor's appointments and her health and not have to worry about working as many hours. Eleanor is very upset by this because she wants a full-time position, and never told her employer she wanted or needed to work fewer hours because of her pregnancy.

Based on the information provided here, is there evidence Eleanor was discriminated against?

- Yes
 - Correct. This is an example of unlawful discrimination because the employer changed the conditions of Eleanor's employment on the basis of her pregnancy. In this case, her employer told Eleanor that her position would be part-time because of her "condition" and now she could focus on her doctor's appointments, statements which demonstrate that the employer's decision to unilaterally change Eleanor's position to part-time was based on her pregnancy. It is also unlawful for an employer to require a job applicant or employee to accept an accommodation when that individual did not request one. In this case, Eleanor did not request to be part-time and was upset when she learned her position would be part-time.
- No
 - Incorrect, please try again.

Example 2: Question

Amira has been late to work every day for a couple of months. Amira's supervisor, Morgan, knows Amira is a 50-year-old Muslim woman. Last week, Morgan told Amira she was being put on a corrective action plan because of her tardiness and, if she did not improve, her employment would be terminated. In fact, a month earlier Morgan terminated Jessie, a 30-year-old Christian male because of his repetitive tardiness. Amira continued to be late, in some cases over two hours late. Morgan terminated Amira and informed her it was because her chronic tardiness was against office policy and prevented her from completing the required work on time.

Is this an example of unlawful discrimination?

- Yes
 - Incorrect, please try again.
- No
 - Correct. Morgan is not unlawfully discriminating against Amira. Amira was terminated for violating office policy and not fulfilling her required job duties, not because of her age, religion, or sex. Furthermore, Morgan applied the same standard to another employee, Jessie, who is outside of Amira's protected classes, and who engaged in similar behavior.

Harassment

Harassment in the workplace is prohibited.

Harassment means "any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, citizenship status, work authorization status, or family responsibilities that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment." [775 ILCS 5/2-101\(E-1\)](#).

For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform their duties. [775 ILCS/2-101\(E-1\)](#).

To determine severity or pervasiveness, all circumstances should be considered, which may include the frequency of the discriminatory conduct; its severity; whether it was physically threatening or humiliating or a mere offensive utterance, offhand comment, or isolated incident; and whether it unreasonably interferes with an employee's work performance. To constitute harassment, the conduct must be objectively and subjectively offensive.

Examples of Harassment

Examples of verbal or physical conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- | | |
|---|--|
| <ul style="list-style-type: none"> • offensive jokes; • slurs; • epithets or name calling; • physical assault(s); • threats; • intimidation, ridicule or mockery; | <ul style="list-style-type: none"> • insults or put-downs; • offensive objects or pictures; • deliberate touching, leaning over, or cornering; • offensive looks or gestures; • offensive letters, telephone calls, personal e-mails, texts, or other materials of an offensive nature. |
|---|--|

Example 3: Question

Rick is a man who recently married his male partner. Rick was very excited about his wedding and put up pictures in his office of him and his spouse on their wedding day. Later that day, his supervisor, Daryll, came into Rick's office. Daryll saw the photos and exclaimed - "I didn't know you were gay!" Daryll then left Rick's office. The next day when Rick arrived at work, he saw that his wedding photos had been drawn on with homophobic slurs and sexually explicit images and a sign was posted on his door that read: "Marriage is Between a Man and a Woman". Rick was very upset and left work, telling Daryll he didn't feel well. When Rick came back to work the next day, there was another sign on his door with quotes about marriage being sacred and not between two men. Rick tried to work that day but could hear Daryll on the phone discussing Rick and making homophobic slurs.

Is Rick being harassed?

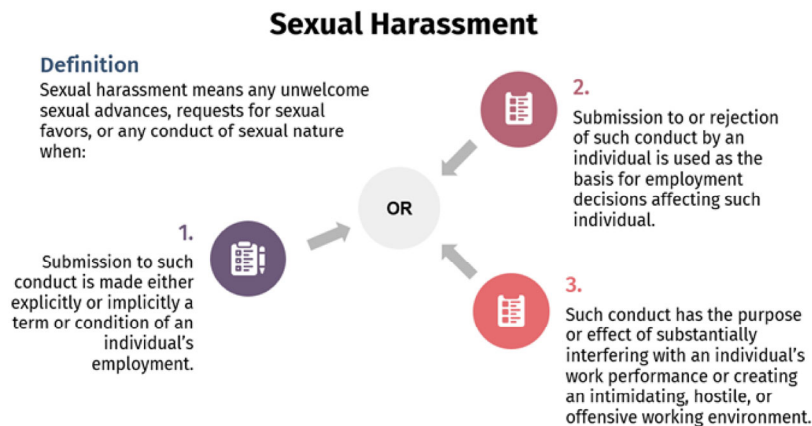
- Yes
 - Correct. Rick is being harassed. This is an example of harassment because it is unwelcome conduct on the basis of Rick's sexual orientation that created a hostile working environment.
- No
 - Incorrect, please try again.

Example 4: Question

Karina was hired two months ago at a State agency. Karina identifies as nonbinary and uses they/them pronouns. Karina has shared their preferred pronouns with their coworkers, and even explained to them what it means to be nonbinary. Karina works in a cubicle in an open space where they can hear their coworkers when they are talking. Throughout the day, Karina can hear their coworkers talking about them and making fun of their use of pronouns. Karina can also hear their cell phones chiming followed by laughter and comments about how there are only two genders and that nonbinary people are making things up for attention. Karina repeated that their gender identity and pronouns should be respected and not judged, and they just want to work. Despite Karina's efforts, for the next several months coworkers continue to laugh and make fun of Karina. Karina has started to look for other jobs because they cannot focus due to their coworkers' constant comments and jokes about them. Karina is also feeling more and more anxious at and outside of work because of all the jokes and questions about their gender identity and pronouns.

Is Karina being harassed?

- Yes
 - Correct. Karina's coworkers are engaging in harassment. The Illinois Human Rights Act defines harassment as any unwelcome conduct on the basis of an individual's actual or perceived sexual orientation that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. The definition of sexual orientation includes actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. In this case, Karina's coworkers are making unwelcome and frequent offensive jokes based on Karina's gender identity and pronouns and that conduct is creating a hostile and offensive working environment.
- No
 - Incorrect, please try again.



For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform their duties and does not require an employment relationship.

[5 ILCS 430/5-65\(b\)](#); [775 ILCS 5/2-101\(E\)](#).

Types of Sexual Harassment

Quid pro quo. "Something for something." This type of sexual harassment occurs when a manager or supervisor uses as a basis for employment decisions affecting a subordinate, whether that subordinate submitted or rejected unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature. Examples of employment decisions may include hiring, promotions, or discipline, among other things. This type of harassment also occurs when unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature are made a term or condition of employment.

Hostile work environment. Hostile work environment sexual harassment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. To constitute hostile work environment sexual harassment, the conduct must be severe or pervasive.

Severe or Pervasive Conduct

To determine the severity or pervasiveness, all circumstances should be considered, which may include the frequency of the discriminatory conduct; its severity; whether it was physically threatening or humiliating or a mere offensive utterance, offhand comment, or isolated incident; and whether it unreasonably interferes with an employee's work performance. To constitute harassment, the conduct must be objectively and subjectively offensive.

- Conduct is objectively offensive when a reasonable person would find it offensive.
- Conduct is subjectively offensive when the victim perceives it as offensive.

Examples of Sexual Harassment

Sexual harassment is not limited to overt sexual advances and requests to engage in sexual acts. Many types of behavior and other acts can be part of quid pro quo sexual harassment or contribute to a hostile work environment. This may include unwelcome physical acts, verbal conduct, or visuals like:

- actual or attempted rape or sexual assault;
- pressure for sexual favors or dates;
- deliberate touching, leaning over, or cornering;
- sexual looks or gestures;
- sexual letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature;
- referring to someone as "sexy," "baby," "hot," "fine," "honey," "hunk," "doll," or a similar term;
- sexual teasing, jokes, remarks, or questions;
- whistling at someone;
- sexual comments, innuendos, or stories;
- turning work discussions to sexual topics;
- asking about sexual fantasies, preferences, or history;

Examples of Sexual Harassment (Continued)

- sexual comments about a person's clothing, anatomy, or looks;
- touching or rubbing oneself sexually in the presence of another person;

- kissing sounds, howling, and smacking lips;
- talking about, telling lies, or spreading rumors about a person's personal sex life;
- neck and/or shoulder massage; touching a person's clothing, hair, or body;
- hanging around a person uninvited; hugging or kissing; patting, stroking, or pinching;
- standing close to or brushing up against a person;
- looking a person up and down;
- sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone;
- playing sexually suggestive or graphic videos or music; and making sexual gestures with hands or through body movements.

Understanding Sexual Harassment

No gender is excluded. Individuals can be victims of sexual harassment regardless of gender identity or sexual orientation. Individuals who are cisgender, transgender, gender non-confirming, nonbinary, gender fluid, gender expansive or have any other gender identity may be subjected to harassment.

Sexual harassment and third parties. The victim of sexual harassment does not have to be the person the behavior is directed towards. Anyone affected by the offensive conduct can be a victim, like someone who overhears or witnesses the offensive conduct.

The behavior is unwelcome. Sexual harassment is conduct that is unwelcome, including conduct the victim regards as undesirable or offensive.

Working environment. An employee's "working environment" is not just the physical location where the employee is assigned. An employee's "working environment" may extend to other office locations and remote, off-site, or moving work locations.

Non-State Employees

Sexual harassment is not just limited to co-workers and supervisors. People who are not State employees, such as patrons, vendors, and delivery people, may come into the workplace or interact with employees. These individuals can violate sexual harassment laws, rules, and policies, and they can also be victims of sexual harassment.

The Human Rights Act defines "nonemployee" as "a person who is not otherwise an employee of the employer and is directly performing services for the employer pursuant to a contract with that employer." This includes contractors and consultants. [775 ILCS 5/2-102\(A-10\) and \(D-5\)](#).

If a nonemployee, nonmanagerial employee, or nonsupervisory employee sexually harasses or harasses an employee or nonemployee, the employer will be responsible only if the employer becomes aware of the conduct and fails to take reasonable corrective measures. [775 ILCS 5/2- 102\(A\) , \(A-10\) , \(D\) , and \(D-5\)](#).

Sexual Harassment Doesn't Have to be in Person

Sexual harassment can involve activities online or through electronic media, even when off site or "off the clock."

Examples of behaviors that can constitute unwelcome sexual conduct through email, cell phone or text, Internet or Intranet posting, online comments, blog posts, social media (such as Facebook, Twitter/X, LinkedIn, Instagram, YouTube, TikTok and Snapchat), or other electronic media include:

- requests/demands for sex;
- sexually graphic or inappropriate pictures;
- sexually graphic or inappropriate videos;
- sexually offensive language or comments;
- unwanted flirting;
- unwanted requests for dates;
- and cyber stalking.

Example 5: Question

Skylar is recently married and got back from her honeymoon two months ago. Since returning, Skylar's coworkers, Walter and Amy, have been making sexual remarks about the honeymoon and asking personal questions. These comments occur almost on a daily basis and over time have gotten more graphic, and now Walter and Amy are sending offensive pictures to Skylar's work email account. Skylar has started calling in sick and is missing deadlines because the comments and pictures are so upsetting.

Is Skylar being sexually harassed?

- No, this is not an example of sexual harassment.
 - Incorrect, please try again.
- Yes, this is an example of quid pro quo sexual harassment.
 - Incorrect, please try again.
- Yes, this is an example of hostile work environment sexual harassment.
 - Correct. This is an example of hostile work environment sexual harassment. Here, the coworkers' unwelcome conduct of a sexual nature is interfering with Skylar's work performance and creating an intimidating, hostile, or offensive working environment.

Example 6: Question

Hector just got back from a vacation in Greece. When he got back, he was surprised to see that several coworkers and his direct supervisor were standing around his cubicle laughing. When he asked what was going on, the coworkers stepped away and he saw a picture of himself in a bathing suit was on his desk. He recognized the picture as one he posted on Instagram during his vacation. His face turned red with anger and embarrassment, and he crumbled up the picture. His coworkers just laughed, and someone said, "lighten up, you look super hot!" Hector was supposed to be evaluated by his direct supervisor at the end of the week to determine whether he is eligible for promotion. His supervisor pulled Hector to the side and said, "If you send me more pictures like this, you will be sure to get that promotion." Hector was offended by the request and deleted his social media. He did not send his supervisor any photos and when it came time for his evaluation, he was denied promotion despite having stellar performance reviews and prior evaluations.

Is Hector being sexually harassed?

- Yes, this is an example of quid pro quo sexual harassment.
 - Correct. This is an example of quid pro quo sexual harassment. Quid pro quo sexual harassment occurs when a manager or supervisor uses as a basis for employment decisions affecting a subordinate, whether that subordinate submitted or rejected unwelcome sexual advances, requests for

sexual favors, or conduct of a sexual nature. Here, Hector's supervisor requested he provide photos of a sexual nature and when he didn't he was denied a promotion despite having stellar performance reviews and evaluations. There are no facts in this scenario to suggest that he was denied a promotion for a reason other than his refusal to send sexual pictures to his boss.

- Yes, this is an example of hostile work environment sexual harassment.
 - Incorrect, please try again.
- No, this is not an example of sexual harassment.
 - Incorrect, please try again.

Example 7: Question

Tony is a contracted front entrance security guard for a State agency where Carmela works. Carmela is required to work in the office four days per week. Whenever Carmela enters the agency building where she works, Tony always flirts with Carmela by complimenting her body, asking for dates, and asking about her current dating situation. These comments make Carmela uncomfortable and she dreads entering her building. Carmela always declines Tony's advances and has told Tony that she is not interested. This has been going on several times a week for over a month and has caused Carmela to request a change to fully remote work so that she can avoid having to interact with Tony when entering the office.

Could Tony be sexually harassing Carmela?

- Yes, because Tony's sexual advances are unwelcome and pervasive and substantially interfering with Carmela's work performance.
 - Correct. Tony's sexual advances could possibly be sexual harassment because Tony's sexual advances are unwelcome and pervasive and substantially interfering with Carmela's work performance. Tony's conduct makes Carmela uncomfortable and is occurring frequently for over a month. This conduct has led Carmela to request a fully remote work schedule so that she can avoid having to interact with Tony. State contractors can engage in improper conduct, such as sexual harassment, just like State employees. Carmela has told Tony that she is not interested in dates, but Tony has continued ask her out and flirt with her. The fact that Tony has continued to make inappropriate comments knowing Carmela is not interested supports that Tony's behavior is unwelcome.
- No, because a contractor cannot harass a State employee.
 - Incorrect, please try again.
- No, because Carmela has told Tony that she is not interested.
 - Incorrect, please try again.

What to do when you witness harassment?

There are many different variations of unlawful harassment and sexual harassment.

Some types of conduct are clearly harassment or sexual harassment, such as if a supervisor fires an employee when they do not engage in sexual conduct.

Other types of conduct may feel like more of a "gray zone," where you or a coworker feel uncomfortable or do not welcome the behavior, but you are not sure whether it is unlawful. **Even if the conduct is not unlawful harassment or sexual harassment, that doesn't mean it belongs in the workplace.**

If you are a witness to conduct you believe to be unlawful harassment or sexual harassment:

1. You can tell the person to stop the unwelcome behavior.
2. You must report it.

What to do when you witness harassment?

If the conduct is happening around you, but not directed toward you, that can create a hostile work environment. You should speak up if it is unwelcome, or if you think the conduct could interfere with another individual's work performance or could create an intimidating, hostile, or offensive working environment. For instance, if a group of colleagues gathers at a nearby co-worker's desk and shares inappropriate stories that others can overhear, you can tell the colleagues that others can hear their conversations and that the commentary should stop.

If conduct is directed toward someone else, but it makes you or another person uncomfortable, you should also speak up. For instance, if you've noticed that a colleague's "compliments" make others uncomfortable, you can bring it to their attention.

If you experience or witness harassment or sexual harassment, you must report the incident or conduct. The following slides discuss the options you have for reporting.

Reporting Allegations of Unlawful Discrimination, Harassment, and/or Sexual Harassment

Any employee who **witnesses, is subjected to, or becomes aware of** unlawful discrimination, harassment, and/or sexual harassment must immediately report the incident. **State employees are required to report alleged misconduct to their agency's Ethics Officer and/or the Office of Executive Inspector General by [Executive Order 16-04](#).** The following slides will further discuss these reporting options, as well as additional options for reporting misconduct.

Sometimes it is difficult to know whether the conduct that makes you feel uncomfortable is unlawful discrimination, harassment, or sexual harassment. Employees are encouraged to report inappropriate conduct so that it can be addressed.

Reporting Allegations of Unlawful Discrimination, Harassment, and/or Sexual Harassment (Continued)

There are three main avenues for reporting:

1. Within your Agency - Ethics Officer, Supervisor, EEO/AA Officer, or Human Resources
2. Illinois Department of Human Rights ("IDHR")
3. Office of Executive Inspector General ("OEIG")

While you must report alleged misconduct to your [Ethics Officer](#) or the OEIG, the reporting options above are not mutually exclusive, and more than one may be pursued. Please be advised that these various options trigger different procedures and offer different rights and remedies to a State employee who makes an allegation.

[Executive Order 18-02](#) created a Chief Compliance Office to provide oversight to the agencies to ensure that allegations of sexual harassment are investigated and that appropriate disciplinary action is taken.

Reporting an Allegation to your Ethics Officer

[Executive Order 16-04](#) requires that you report misconduct to your Ethics Officer or the OEIG (or both; additional information on reporting to the OEIG will be discussed in later slides). Misconduct includes allegations of discrimination, harassment, and/or sexual harassment.

Your Ethics Officer:

- Is available to discuss any concerns about ethics violations you may have.
 - Can help interpret the Ethics Act for you as well as your agency policies that prohibit discrimination, harassment, and sexual harassment.
 - Will be knowledgeable about the reporting process for the OEIG and IDHR, and can assist you in making a report to these entities or to your supervisor or another manager.
 - Has an obligation to promptly notify the OEIG of any allegations of misconduct after receiving such information.
-

Reporting an Allegation to your Supervisor

In addition to reporting to your Ethics Officer or the OEIG, you may choose to directly report an allegation of discrimination, harassment, and/or sexual harassment to a supervisor.

Supervisors:

- Are required to take appropriate action upon being notified of sexual harassment, whether or not a formal complaint is made.
- Will know the internal practices of your agency and will be in a position to effect change and help you navigate your agency's internal complaint process.
- May seek assistance from or report the allegation to the agency Ethics Officer, EEO Officer, or Human Resources.
- Should only share information as required by law or in order to effect necessary management action to address your allegation.

You can report an allegation to any supervisor, not just your own supervisor.

Reporting an Allegation to a Supervisor (Continued)

You may choose to report to a supervisor because your agency's management can take interim steps to address the situation quickly.

For instance, a hostile work environment generally involves a series of events rather than a single event. If you are aware of conduct that, if it continues, may interfere with your or others' work performance or may create an intimidating, hostile, or offensive working environment, a supervisor can be an important resource in addressing it.

You also may choose to discuss your allegation with a supervisor for help determining how to pursue the other reporting options available.

If an allegation of discrimination, harassment, and/or sexual harassment involves your supervisor, or if you are uncomfortable with your supervisor or are concerned that the allegation may not be handled appropriately, you may choose a different reporting option.

Reporting an Allegation to your EEO/AA Officer

Your agency's Equal Opportunity or Affirmative Action Officer is another option within your agency for reporting an allegation of discrimination, harassment, and/or sexual harassment. Remember, this reporting would be in addition to reporting to your Ethics Officer or the OEIG.

Your EEO/AA Officer:

- Will know the internal practices of your agency and will be in a position to help you navigate your agency's internal complaint process.
- Will be knowledgeable about the reporting process for the OEIG and IDHR, and can assist you in making a report to these entities or to your supervisor or another manager.
- Is required to immediately report all allegations of sexual harassment received, either directly or indirectly, to the agency's Ethics Officer.

Some agency's internal policies ask employees to report allegations directly to the EEO Officer. More information on internal policies, if this is applicable to you, can be found in your employee handbook.

Reporting an Allegation to the Department of Human Rights

IDHR is a State agency that administers the Human Rights Act.

One of IDHR's important roles is to investigate "charges" - or formal complaints - of discrimination in employment, including allegations of harassment and sexual harassment.

Individuals can report an allegation to IDHR by filing a charge **within two years of the alleged violation**.

The IDHR process:

- is public - an employee who chooses to pursue this option may not do so anonymously;
 - is not confidential;
 - requires involvement by the person who filed the complaint; and
 - depending on the allegation, some individuals may choose to pursue their complaints with help from an attorney.
-

Contacting IDHR

The IDHR website is dhr.illinois.gov.

It provides additional information about discrimination and harassment, filing a charge, the process for investigating and resolving an allegation, and other frequently asked questions.

IDHR has the following offices:

Chicago

555 West Monroe, Ste 700
Chicago, IL 60661

Springfield

524 S. 2nd Street, Ste 300
Springfield, IL 62701
217-785-5100

Marion

2309 W Main St
Marion, IL 62959
618-993-7463

312-814-6200
866-740-3953 (TTY)

866-740-3953 (TTY)

866-740-3953 (TTY)

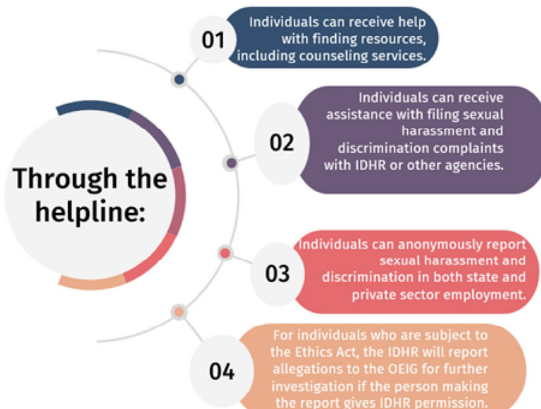
Hours for these offices, including hours when the offices conduct intake interviews for new reports, can be found on IDHR's website.

The IDHR Helpline

The helpline number is 1-877-236-7703. The website for reporting is:

<https://www2.illinois.gov/sites/sexualharassment/Pages/default.aspx>

All communication submitted through the helpline, including by internet, will be confidential and exempt from disclosure under the Freedom of Information Act.



Reporting an Allegation to the Office of Executive Inspector General

You may choose to directly report misconduct to the OEIG.

The OEIG is an independent executive branch State agency that works to ensure accountability in State government. The OEIG's jurisdiction includes executive branch agencies, officers, and employees (other than those under the Attorney General, Secretary of State, Comptroller, or Treasurer), the four regional transit boards, the regional development authorities, the State public universities, and approximately 300 boards and commissions, plus vendors doing business with those agencies and entities.

The OEIG does not represent any party or agency in an investigation, nor does it investigate on behalf of any individual or agency.

Reporting an Allegation to the Office of Executive Inspector General (Continued)

The primary role of the OEIG is to investigate allegations of misconduct and to make reports of its findings to the affected agencies and officials.

The OEIG investigates, when appropriate, alleged violations of law, rule, or regulation committed by any employee of, or those doing business with, an entity under its jurisdiction. For example, the OEIG investigates:

- allegations of waste, fraud, abuse of authority, and misconduct;
- violations of the Ethics Act, including the prohibition on sexual harassment;
- allegations of unlawful discrimination and harassment; and
- violations of other laws, rules, and policies.

Filing a Complaint with the OEIG

A complaint may be filed with the OEIG by:

- completing a form online at <https://oeig.illinois.gov/>
- calling the OEIG's toll-free hotline at (866) 814-1113;
- mailing a completed complaint form to: **Office of Executive Inspector General for the Agencies of the Illinois Governor**, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, Illinois 60602;
- or, contacting the OEIG by telecommunications device for the disabled (TTY) at (888) 261-2734.

Filing a Complaint with the OEIG (Continued)

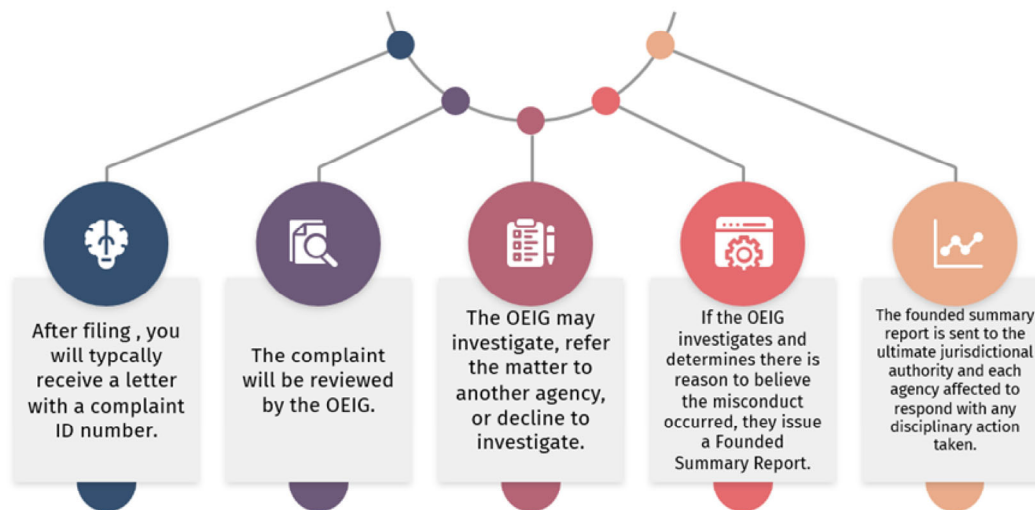
The OEIG may accept complaints that are filed anonymously.

If filing a complaint with the OEIG:

- You must provide sufficient detail about the allegation to initiate an investigation.
- The complaint must be filed within a year of the events at issue, ". . . except where there is reasonable cause to believe that fraudulent concealment has occurred." 5 ILCS 430/20-20.
- You should have a reasonable belief that the allegation is true.
- The complaint must relate to conduct of an employee or officer of an entity under the OEIG's jurisdiction, or conduct of a person or entity that does business with an entity under the OEIG's jurisdiction.

Pursuant to the Ethics Act, "[t]he identity of any individual providing information or reporting any possible or alleged misconduct to an Executive Inspector General or the Executive Ethics Commission shall be kept confidential and may not be disclosed without the consent of that individual, unless the individual consents to disclosure of his or her name or disclosure of the individual's identity is otherwise required by law." [5 ILCS 430/20-90](#).

The OEIG Process



The OEIG Process (Continued)

The Executive Ethics Commission (EEC) is required to publish OEIG founded summary reports and responses if the investigation resulted in a suspension of at least three days or termination, and may choose to publish other OEIG founded summary reports. The EEC is an independent nine-member commission charged with promoting ethics in public service and ensuring that the State's business is conducted with efficiency, transparency, fairness, and integrity.

If the OEIG has reasonable cause to believe that a violation of the Ethics Act has occurred, the OEIG also may ask the Illinois Attorney General to file a complaint with the EEC.

If a complaint is filed with the EEC and it decides that a violation of the Ethics Act occurred, the EEC may impose an administrative fine or take other action to stop the unlawful activity.

Cooperation with OEIG Investigations

All employees are expected to cooperate with OEIG investigations.

Under the Ethics Act, it is the duty of every State employee and officer under the jurisdiction of the OEIG to cooperate with the OEIG in any investigation, including investigations regarding discrimination, harassment, and sexual harassment.

Failure to cooperate includes, but is not limited to, intentional omissions and knowingly making false statements.

Example 8: Question

Christoph immigrated to the United States twelve years ago and learned English as a second language. Christoph believes that Paulie, a non-supervisory employee who was born and raised in the United States and often mimics his accent, is harassing him on the basis of his national origin. Christoph meets with his Ethics Officer to discuss options for reporting the conduct.

Christoph would like to keep his complaint confidential. Christoph wants an investigation to be conducted and hopes that Paulie will be disciplined if the investigation finds that harassment did occur. Christoph is also concerned that Paulie may harass other employees and wants to quickly ensure that no other employees face the same conduct he has experienced, whether or not it rises to the level of harassment.

Where else, besides the Ethics Officer, could Christoph report his allegation to meet these goals?

- Christoph's supervisor
 - Not the best choice, please try again.
- Office of the Executive Inspector General (OEIG)
 - Not the best choice, please try again.
- Illinois Department of Human Rights
 - Not the best choice, please try again.
- Both Christoph's supervisor and the OEIG
 - Correct. Christoph's supervisor can immediately work with agency management to ensure a harassment-free workplace. Christoph's supervisor should disclose no more information than is needed to investigate and to address the problem. Further, Christoph could also report this to another supervisor if he is uncomfortable reporting the allegation to his own supervisor. The OEIG operates outside the agency and conducts investigations in a confidential manner, to the extent possible under law. Ethics Officers have an obligation to promptly notify the OEIG of any allegations of misconduct after receiving such information. Even if Christoph does not choose to report the allegation to the OEIG directly, the Ethics Officer is obligated to do so. If the OEIG determines that the allegations are founded, it will issue a founded report that recommends discipline or other agency action. The OEIG's investigative process will take additional time, and therefore may not immediately address the workplace conditions. If Christoph's priority is to try and prevent further incidents while an OEIG investigation is pending, he should also report the conduct to a supervisor. While complaints filed with IDHR are not confidential, information provided through the State of Illinois Sexual Harassment and Discrimination

Helpline is confidential. Christoph has already fulfilled his obligation under Executive Order 16-04 by reporting the allegation to his Ethics Officer. Reporting to the OEIG would also fulfill this obligation.

Information About Retaliation

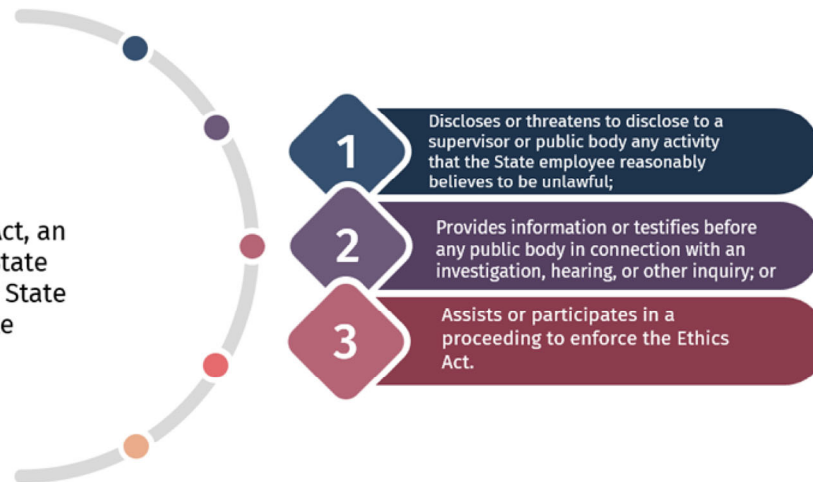
Retaliation against individuals who report discrimination, harassment, and/or sexual harassment, or who participate in investigations and other proceedings regarding those matters, is strictly prohibited by the Ethics Act ([5 ILCS 430/5-10](#)), the Human Rights Act ([775 ILCS 5/6-101](#)), and the Illinois Whistleblower Act ([740 ILCS 174/15-20.2](#)).

Retaliatory action includes reprimand, discharge, suspension, demotion, denial of promotion or transfer, or any other change in the terms or conditions of employment of any State employee that occurs in retaliation for an employee's involvement in protected activities.

In addition, if you or another employee experiences retaliation after reporting discrimination, harassment, or sexual harassment, the retaliatory conduct can be reported to a supervisor, Ethics Officer, IDHR, and the OEIG in the same manner that discrimination, harassment, and sexual harassment are reported.

Retaliation under the Ethics Act

Under the Ethics Act, an officer, member, State employee, and/or State agency cannot take retaliatory action against a State employee who:



The OEIG can investigate allegations of retaliation and recommend discipline, up to and including termination. Anyone who intentionally violates this prohibition on retaliation is guilty of a misdemeanor and is subject to discipline or discharge.

Retaliation Under the Human Rights Act

Under the Human Rights Act, it is a civil rights violation to retaliate against a person who opposes that which they reasonably and in good faith believe to be prohibited by the Human Rights Act, including unlawful discrimination, harassment, or sexual harassment. [775 ILCS 5/6-101\(A\)](#).

For example, it is unlawful for someone to retaliate against a person who filed a complaint, participated in an investigation, or testified regarding a matter under the Human Rights Act.

It is also unlawful to retaliate against a person for requesting, attempting to request, or using a reasonable accommodation allowed by the Human Rights Act.

Retaliation Under the Whistleblower Act

Under the Whistleblower Act, an employer may not take retaliatory action against an employee "for disclosing or threatening to disclose information to a government or law enforcement agency information related to an activity, policy, or practice of the employer, where the employee has good faith belief that the activity, policy, or practice of the employer (i) violates a State or federal law, rule, or regulation or (ii) poses a substantial and specific danger to employees, public health, or safety." [740 ILCS 174/15\(b\)](#).

Further, an employer shall not take retaliatory action against an employee for refusing to participate in an activity that would result in a violation of a State or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of the Whistleblower Act, and the employee succeeds in a civil suit, the employee may receive relief necessary to make the employee whole, including reinstatement into their position, permanent or preliminary injunctive relief, back pay with interest, liquidated damages of up to \$10,000, and compensation for costs incurred. It is a Class A misdemeanor to violate the Whistleblower Act.

Example 9: Question

Adriana works as an investigator at an agency. Adriana is on a team with several investigators, some of which have been in their roles for more than 20 years. Adriana recently noticed that her supervisor, Tom, has been routinely assigning the complex, high-profile investigations to the younger investigators, including Adriana. When Adriana approached Tom about this, he brushed her off and said, "lifers just don't have what it takes to handle fieldwork anymore. We need people with more energy on those cases. You should be thanking me for assigning you to career-advancing investigations." Concerned that her supervisor might be engaging in unlawful discrimination, Adriana reports this behavior to the Illinois Department of Human Rights. After Tom learns about the IDHR complaint, he begins treating Adriana differently. He starts assigning her only to investigations in remote locations that require long travel times and ignores her requests for necessary resources, making it difficult for Adriana to meet her investigation timelines and perform her job effectively. Despite these challenges, Adriana continues to meet her deadlines and perform all of her required job duties. During her next performance review, Tom provides Adriana with negative feedback and states: "If you hadn't made my life harder by going to IDHR, we would be having a different conversation right now. You knew that I was planning on promoting you, but you can forget about that ever happening now." This was the first time Adriana had received negative feedback on a performance review.

Is Tom's conduct retaliatory?

- Yes
 - Correct. Retaliation occurs when there is a reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of an employee that occurs in retaliation for an employee's involvement in certain protected activities. An example of a protected activity is disclosing or reporting conduct that an employee reasonably believes to be in violation of a law, rule, or regulation. Here, Adriana reasonably believed that her supervisor was engaging in age discrimination and reported the conduct. After learning about the complaint, her supervisor began treating her differently and denied her a promotion. This appears to be solely related to Adriana's complaint because Adriana was doing well at work and receiving positive feedback; therefore, nothing shows the supervisor would have taken the same action had Adriana not filed the complaint. Note that in order to be retaliatory conduct, it is not required that the activity the employee disclosed is ultimately found to in fact be a violation of law or policy.
- No
 - Incorrect, please try again.

Consequences Under the Ethics Act

It is a violation of the Ethics Act to engage in sexual harassment as defined by the Act. As an Ethics Act violation, there are specific penalties for the violation.

Any person who violates the Ethics Act's prohibition on sexual harassment:

- may be fined **up to \$5,000** per offense;
- is subject to **discipline or discharge**; and
- may also have **fines or penalties** imposed by a State or federal agency or court. 5 ILCS 430/50- 5(G).

Although "harassment" and "unlawful discrimination" are not specific violations of the Ethics Act, there are serious consequences for engaging in unlawful discrimination and harassment. For example, the OEIG does investigate allegations of unlawful discrimination and harassment. The results of these investigations can lead to discipline or discharge for violating the law or your agency's policies.

Also note that failure to cooperate with an OEIG investigation conducted pursuant to the Ethics Act, including intentional omissions and knowing false statements, is grounds for **disciplinary action, including dismissal**. [5 ILCS 430/20-70](#).

Consequences for False Reports

False reports are prohibited.

The EEC may levy a **fine of up to \$5,000** against any person who intentionally makes a false, frivolous, or bad faith allegation, or who intentionally obstructs or interferes in an OEIG investigation. [5 ILCS 430/50-5\(e\)](#).

Any person who intentionally makes a false report alleging **sexual harassment** to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a **misdemeanor**. [5 ILCS 430/50-5\(D\)](#).

Additional Consequences

There are serious consequences for engaging in unlawful discrimination, harassment, and sexual harassment, which may include being disciplined or having your employment terminated for violating the law or your agency's policies.

Engaging in unlawful discrimination, harassment, sexual harassment, and/or retaliation can also subject you to proceedings before the Human Rights Commission or state or federal courts.

Individuals can file a state or federal charge against the person or entity that engaged in misconduct, and if they prevail may be entitled to one or more of the following remedies:

- Actual damages for injury or loss
- Attorneys' fees and costs
- Prejudgment interest
- Backpay
- Obtaining a cease and desist order
- Fringe benefits
- Hiring Reinstatement
- Promotion

Reminder About the Use of State Resources

Personal business should not be conducted using State resources. Employees have no expectation of privacy when using State resources, such as State-administered e-mail accounts, State phones, State computers, or State networks. State employees are provided with State-administered email accounts where only matters related to official State business should be discussed. Matters of a personal nature, or other matters not related to official State business, should generally not be discussed using an official State e-mail account.

State resources, such as State-provided cell phones and computers, should not be used to access non-State e-mail accounts and social media accounts. State resources should not be used to access, view, or download images, video, or other content of a sexual nature.

State resources include, but are not limited to, State-administered e-mail accounts, State-owned computers, State wireless networks, and State-provided phones and cell phones.

Completion & Certification

Acknowledgement of completion of 2025 Harassment and Discrimination Prevention Training.

I certify that I have carefully read and reviewed the content of, and completed, the **2025 Harassment & Discrimination Prevention Training** pursuant to 5 ILCS 430/1 et seq. Furthermore, I certify that I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of State appointment/employment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

I certify and Acknowledge the above statement. (Please type your name and date in the fields below.)

Name:

Date:

