

ILLINOIS STATE POLICE DIRECTIVE PER-032, DISCRIMINATION AND HARASSMENT

RESCINDS: PER-032, 2008-049, revised 10-09-2008.	REVISED: 11-22-2010 2010-112
RELATED DOCUMENTS: PER-009, PER-030, PER-033, PER-103	DISTRIBUTION: All employees , sworn and code Office/desk copy
RELATED CALEA STANDARDS: 26.1.3, 26.1.4, 26.1.5, 26.1.8, 31.2.3, 52.1.1, 52.1.2, 52.1.3, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5	

I. POLICY

- I.A. The Illinois State Police (ISP) prohibits discrimination in all forms, including but not limited to harassment, and retaliation; such acts are unlawful and will serve as the basis for disciplinary action up to and including termination.
- I.B. The ISP has determined the most effective way to limit harassing conduct is to treat it as misconduct, even if it does not rise to the level of harassment actionable under federal or state law. The ISP will act before the harassing conduct becomes so pervasive and offensive as to constitute unlawful harassment.
- I.C. The ISP reaffirms its commitment to eliminate discrimination, harassment, and retaliation in employment situations by:
 - I.C.1. Empowering employees to resolve their concerns through the internal intake inquiry, alternative dispute resolution (ADR), limited review and investigation processes provided by the ISP Office of Equal Employment Opportunity (EEO).
 - I.C.2. Making employees, supervisors, and managers aware of their rights and responsibilities under the ISP's EEO policies and procedures (see also ISP directives PER-009, "Equal Employment Opportunity," and PER-033, "Sexual Harassment").
- I.D. To ensure appropriate corrective measures are implemented where policy violations are identified, allegations of harassing conduct, discrimination, harassment, retaliation, or other violations of EEO policy will be addressed in accordance with the provisions of this directive regardless of whether an employee wants to sign a Complaint Against Department Member form (CADMF), ISP 3-23 (available in the ISP Document Library at <http://maphome/documentlibrary/> or via the internet at [http://www.isp.state.il.us/services/citizen complaint.cfm](http://www.isp.state.il.us/services/citizen%20complaint.cfm)).

NOTE: This policy does not prohibit the ISP from making lawful employment decisions to treat employees differently from one another for legitimate business reasons. Management reserves the right to address performance-based issues in order to maintain efficient operations within the Department.

II. AUTHORITY

- II.A. 775 ILCS 5/1, et seq., "Illinois Human Rights Act"
- II.B. 42 U.S.C. 12101 et seq., "Americans with Disabilities Act"
- II.C. 29 U.S.C. 626 et seq., "Age Discrimination in Employment Act"
- II.D. 42 U.S.C. 2000e et seq., "Civil Rights Act of 1964"
- II.E. Part 2520 et seq., of the Illinois Administrative Code, Procedures of the Department of Human Rights

III. DEFINITIONS

- III.A. Adverse Employment Action - any action resulting in material harm, a tangible negative effect, or an unfavorable employment decision; or any action that would reasonably discourage an employee from reporting harassing conduct, discrimination, harassment or retaliation in the future.

- III.B. Aggrieved Party – a person who has completed a Dispute Intake and Resolution Form, ISP 1-36 (available from an EEO counselor), or otherwise made an allegation related to harassing conduct, discrimination, harassment, or retaliation.
- III.C. Allegation – a report of information related to a potential act of harassing conduct, discrimination, harassment, or retaliation in the workplace provided either in writing or orally to any supervisor or manager of the ISP, or to the EEO, but not including those reports made on a CADMF.
- III.D. Alternative Dispute Resolution (ADR) – a voluntary process by which an allegation or complaint of harassing conduct, discrimination, harassment, or retaliation may be resolved, preferably prior to any formal internal or external complaint, investigative, or disciplinary processes. ADR includes, but is not limited to, Mediation.
- NOTE:** For the purposes of this policy, ADR is not an investigation or part of the Misconduct Allegation Settlement Agreement (MASA) process and is not subject to the requirements of ISP directive PER-030, “Complaint and Disciplinary Investigations.”
- III.E. Complaint – a report of harassing conduct, discrimination, harassment, or retaliation made on a CADMF.
- III.F. Complainant – a person who has made a formal complaint of harassing conduct, discrimination, harassment, or retaliation on a CADMF.
- III.G. Discrimination – an adverse employment action based on an impermissible factor.
- III.H. Dispute Intake and Resolution Form – a form, ISP 1-36, that documents an initial EEO allegation, the response of the respondent, and any suggested resolutions.
- III.I. EEO Compliance Manager – a representative of the EEO Office responsible for ensuring all ISP personnel are made aware of their rights and responsibilities under the ISP’s EEO policies and procedures, as well as coordinating the ADR process.
- III.J. EEO Intake Counselor – representatives of the EEO Office who are responsible for handling the Intake Inquiry process.
- III.K. EEO Investigative Personnel – representatives of the EEO Office who are responsible for handling the limited review and investigation processes.
- III.L. EEO Office – the ISP Office of Equal Employment Opportunity that falls under the Office of the Director.
- III.M. EEO Officer – the ISP employee appointed by the Director (pursuant to the Illinois Human Rights Act (IHRA), and approved by the IDHR) who is assigned full-time to fulfill the obligations of the position outlined in law and ISP policy; also referred to as the Chief of the EEO Office or the EEO Program Manager.
- III.N. EEO Resolution and Agreement – a document which outlines issues brought by an aggrieved party or a complainant and the terms of the resolution which is agreed upon by such person and the respondent/subject and approved by EEO and the Director. An EEO Resolution and Agreement constitutes a direct order.
- III.O. EEOC – the Equal Employment Opportunity Commission is an office of the federal government that administers federal statutes prohibiting discrimination in employment.
- III.P. False or Frivolous Allegations or Complaints – allegations or complaints in which the accuser is either being intentionally dishonest or misleading, or is using an EEO process to accomplish some end other than ending harassing conduct, discrimination, harassment, or retaliation. It does not refer to allegations or complaints made in good faith that cannot be proven.

- III.Q. Genetic Information - information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e. an individual's family medical history).
- III.R. Harassing Conduct – any conduct that may reasonably cause another person to feel offended, humiliated, intimidated, insulted, or ridiculed based on an impermissible factor which does not rise to the level of harassment (as defined in this directive).
- III.S. Harassment – a form of discrimination that is unlawful under Title VII of the U.S. Civil Rights Act and the IHRA, which includes:
- III.S.1. Sexual Harassment - any unwelcome sexual conduct (as defined below) in the workplace when:
- III.S.1.a. Sexual Quid Pro Quo Harassment
- III.S.1.a.1) Submission to such conduct is, either explicitly or implicitly, a condition for receiving job benefits
- III.S.1.a.2) Rejection of such conduct results in an adverse employment action.
- III.S.1.b. Sexual Hostile Work Environment Harassment
- III.S.1.b.1) Such conduct is personally directed at a specific individual and is so severe or pervasive that it has the purpose or effect of unreasonably interfering with that individual's work performance or creates an intimidating, hostile, abusive, or offensive working environment.
- III.S.1.b.2) Such conduct is not personally directed at anyone but is witnessed by employees within the workplace and is so severe or pervasive based upon such exposure that it has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, abusive, or offensive working environment.
- III.S.2. Hostile Work Environment Harassment - any physical conduct or verbal or non-verbal communication in the workplace related to an impermissible factor that is:
- III.S.2.a. Unwelcome
- III.S.2.b. Uninvited
- III.S.2.c. Unreciprocated and
- III.S.2.d. Usually, but not always, repeated
- III.S.2.e. So severe or pervasive that it has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile, abusive, or offensive working environment
- III.S.3. Third Party Harassment – created when an individual witnesses Harassment in his/her workplace and finds the conduct to be offensive, even if the conduct was not directed toward the person, but rather created a "hostile work environment" for the individual based upon his/her exposure to it.
- NOTE:** Normally the effect that conduct has on the work environment depends upon its pervasiveness over a period of time; however, a single incident of unwanted conduct may be sufficiently severe to be discrimination or harassment.
- III.T. Illinois Department of Human Rights (IDHR) - an office of state government that enforces the IHRA prohibiting discrimination in employment.

- III.U. Impermissible Factor – means race; color; national origin; disability; sex/gender (including pregnancy, childbirth, and related medical conditions); sexual orientation; age; religion; creed; genetic information (including family medical history); marital, military (veteran), or order of protection status; or political affiliation or beliefs.
- III.V. Intake Inquiry– an examination conducted by the EEO in an attempt to facilitate a prompt resolution to an allegation.
 - III.V.1. An intake inquiry includes but is not limited to obtaining information, identifying the issues in dispute, ascertaining the positions of the parties, and exploring the possibility of a resolution.
 - III.V.2. An intake inquiry generally will be the first step for resolving allegations of EEO policy violations. For the purposes of this policy, an intake inquiry is not an investigation and is not subject to the requirements of ISP directive PER-030.
- III.W. Investigation – a formal inquiry conducted in accordance with PER-030, “Complaint and Disciplinary Investigations,” and/or this directive in response to a complaint of harassing conduct, discrimination, harassment, or retaliation.
- III.X. Limited Review – an examination conducted at the discretion of the Director prior to the receipt of a CADMF by EEO regarding concerns about harassing conduct, discrimination, harassment, or retaliation. For the purposes of this policy, a limited review is not an investigation and is not subject to the requirements of ISP directive PER-030.
- III.Y. Mediation – a voluntary process facilitated by persons unrelated to the issue whereby the aggrieved party and the respondent meet in an attempt to resolve certain discrimination, harassment, or retaliation allegations or complaints. The EEO Office coordinates mediation, which is a form of ADR.
- III.Z. Order of Protection Status – means a person's status as being a person protected under an order of protection issued pursuant to the Illinois Domestic Violence Act of 1986 or the court of another state, but does not include those who are listed as a respondent to the order.
- III.AA. Protected Activity – includes, but is not limited to, having:
 - III.AA.1. Requested a reasonable accommodation pursuant to the Americans with Disabilities Act (ADA)
 - III.AA.2. Reported harassing conduct, discrimination, harassment, or retaliation to the ISP, IDHR, or EEOC
 - III.AA.3. Otherwise participated in the reasonable accommodation, intake inquiry, limited review, ADR, or investigation process
 - III.AA.4. Otherwise opposed discriminatory practices when done lawfully and in accordance with ISP Policy
- III.BB. Respondent - any person named in an allegation or otherwise determined to be a focus of an allegation.
- III.CC. Retaliation – any adverse employment action, reprisal, coercion, or intimidation (directly or indirectly) against a person who has previously or currently engaged in a protected activity when the action and protected activity are causally linked. Retaliation is a form of discrimination unlawful under Title VII of the U.S. Civil Rights Act and the IHRA and may include actions without legitimate business reason that would reasonably dissuade a person from making or supporting an EEO complaint or otherwise opposing discrimination.
- III.DD. Sexual Conduct – physical conduct or verbal or non-verbal communication based on the characteristics of gender, marital or parental status, pregnancy, or family responsibilities (for example – indicating a casual, dating, romantic or sexual interest towards another by way of conversation, body

language or brief physical contact regardless of whether such conduct is one-sided, reciprocated, or encouraged); or any sexual advances or requests for sexual favors.

- III.EE. Subject – any person named in a complaint or otherwise determined to be a focus of an Investigation.
- III.FF. Unwelcome Conduct – behavior that, in the totality of circumstances, an employee does not solicit, but rather regards as undesirable or offensive, whether or not the employee has expressed objection to the behavior.
- III.GG. Workplace – any location where employees are engaged in work-related activities or are present as a condition or because of their employment. The workplace includes ISP occupied locations, and may include other locations when events at that location have an impact on the work environment of an employee.

IV. RESPONSIBILITIES

IV.A. Employees

- IV.A.1. Employees are encouraged to act promptly when they perceive harassing conduct, discrimination, harassment, or retaliation in the workplace. Employees desiring information, referrals, or clarification concerning issues of harassing conduct, discrimination, harassment, or retaliation are encouraged to call the confidential ISP EEO number - (800) 952-1217.
- IV.A.2. Employees who believe they are the victims of harassing conduct, discrimination, harassment, or retaliation are encouraged to tell the initiating party that his/her actions are unwelcome and offensive. Where this is not practical, the employee shall notify his/her immediate supervisor.
 - IV.A.2.a. If the alleged discriminator, harasser, or retaliator is the employee's immediate supervisor, the employee shall bypass the supervisor and notify the next level of management.
 - IV.A.2.b. If the employee is not comfortable reporting the harassing conduct, discrimination or harassment to his/her management, fears retaliation, or is not satisfied with the actions taken by his/her management, the employee shall notify the EEO Office.
- IV.A.3. Employees may make reports of harassing conduct, discrimination, harassment or retaliation verbally or in writing. Employees should make such reports to the EEO Office within 45 calendar days of the date of the last alleged act purported to be a violation.
- IV.A.4. All employees will cooperate fully with the EEO Office or any other personnel conducting an intake inquiry, limited review, or investigation, and will promptly provide all relevant information. "Cooperation" includes, but is not limited to, telling the truth and not intentionally omitting information.
 - IV.A.4.a. Interviews of employees who are the subject of an investigation that could result in discipline will be conducted in accordance with applicable policy and collective bargaining agreements.
 - IV.A.4.b. Employees shall not make false or misleading statements, nor withhold relevant information. (Employees are reminded evidence of untruthfulness during an EEO investigation must be reported by investigators and is subject to disclosure pursuant to Giglio v. United States, 405 U.S. 150 [1972].)
 - IV.A.4.c. Due to the nature of harassing conduct, discrimination, harassment, and retaliation, in addition to direct observations, employees must report relevant second-hand information, as well as beliefs and perceptions, but must distinguish between these types of knowledge.
 - IV.A.4.d. As part of an investigation or limited inquiry, employees may be required to document their knowledge of relevant issues surrounding an allegation or complaint. The documentation may include, but is not limited to, a sworn statement. (See paragraph V.G.6. for information regarding sworn statements.)

- IV.A.5. Employees aware or in possession of objects or documentation related to behavior which may reasonably be considered to be harassing conduct, discrimination, harassment, or retaliation, or a potential violation of EEO policy, will immediately report and forward such objects or documents to the EEO Office.
 - IV.A.6. An employee who receives information, documents, or materials related to an external charge of discrimination by or against an ISP employee will immediately notify the EEO Office and Legal Office. Only the ISP Legal office will respond to requests for information from the ISP related to an external complaint.
 - IV.A.7. Failure of an aggrieved party to cooperate with the EEO office or any other personnel conducting an intake inquiry, limited review, or investigation may result in the case being closed without further action. In such instance, the EEO Office will notify the aggrieved party.
 - IV.A.8. An employee who makes an allegation or complaint of harassing conduct, discrimination, harassment or retaliation and who perceives a conflict of interest by persons involved in the Department's response to an allegation or complaint shall immediately disclose this information in writing to the EEO Office.
 - IV.A.9. Making or filing a false or frivolous allegation or complaint can result in disciplinary action up to and including termination (see ISP directives ROC-002, "Rules of Conduct," and PER-103, "Code Employee Disciplinary Rules").
 - IV.A.10. All employees will comply with the confidentiality requirements of this directive (see paragraph VI. below).
- IV.B. Supervisors and managers:
- IV.B.1. Will set the standard for acceptable behavior in the workplace. They will ensure their actions are not reasonably offensive based on an impermissible factor regardless of whether an allegation or complaint is received regarding such conduct, and will refuse to tolerate any form of harassing conduct, discrimination, harassment, or retaliation.
 - IV.B.2. Who become aware of information regarding behavior which may reasonably be considered harassing conduct, discrimination, harassment, or retaliation must report the actions in accordance with this directive regardless of how such information is obtained or whether an employee wants to make an allegation or formal complaint. Supervisors and/or managers must notify:
 - IV.B.2.a. The appropriate Deputy Director, the Division of Internal Investigation (DII) Area Commander, and the EEO Office within 24 hours of becoming aware of information regarding behavior that may reasonably be considered sexual harassment.
 - IV.B.2.b. The appropriate Deputy Director and the EEO Office within 48 hours of becoming aware of information regarding behavior which may reasonably be considered harassing conduct, discrimination, harassment (*other* than sexual harassment), or retaliation.
 - IV.B.3. Will consult with the EEO Office prior to taking any action (other than the notifications described above) in response to allegations of harassing conduct, discrimination, harassment or retaliation.
 - IV.B.4. Will only complete a CADMF regarding allegations of harassing conduct, discrimination, harassment or retaliation when they cannot be resolved through the intake or ADR processes, the aggrieved party refuses to do so, and such supervisor or manager has sufficient independent corroborative evidence to warrant their signature on a CADMF.

- IV.B.5. Will not counsel or discipline any employee alleged to have engaged in behavior that could reasonably be considered harassing conduct, discrimination, harassment, or retaliation, until and unless the EEO Office has reviewed the matter.
- IV.B.6. Will consult with the EEO Office prior to taking any adverse employment action against an aggrieved party, complainant, or witness while the allegation or complaint is pending. Notifications to and consultation with the EEO office may be made by calling the ISP EEO Hotline at (800) 952-1217.
- IV.B.7. Will also comply with other applicable requirements of this directive. Failure to comply with the reporting and other procedures established in this directive may be considered in performance evaluations as well as other personnel actions, as determined by the Director.

IV.C. EEO Office

- IV.C.1. Pursuant to the requirements of the IHRA, the EEO Office will engage in multiple functions that include, but are not limited to, compliance, intake, ADR, and investigations. To prevent an actual or perceived conflict of interest, functions will be performed separately and by different individuals.
 - IV.C.1.a. Compliance - The EEO Office will conduct research, develop policies, provide training, and respond to requests for information and clarification of EEO policies (however, supervisors and managers retain authority and responsibility for personnel actions).
 - IV.C.1.b. Intake - The EEO Office will respond to all reports of discrimination, harassment, and retaliation. Where possible and in the best interests of the aggrieved party and the ISP, the EEO Office will facilitate the resolution of allegations and complaints promptly and outside the investigative and disciplinary process.
 - IV.C.1.c. Investigations - The EEO Office will conduct investigations and/or limited reviews of potential violations of EEO policy. However, the EEO Office will only initiate an Investigation upon receipt of a completed and signed CADMF from the complainant or his/her supervisor or manager.
- IV.C.2. At any time where there is a matter pending with the EEO Office, such office may make recommendations regarding the need to temporarily transfer or change the supervisory assignment of the respondent/subject and/or aggrieved party while an intake inquiry, limited review, ADR or investigation is in progress. In any event, no temporary transfer or change in supervisory assignment will be punitive.
- IV.C.3. If the EEO Office is advised of potential violations of Department policy unrelated to EEO Policies, the EEO Office will provide the reporting party with a CADMF. The EEO Office will also report such allegations within five (5) days to the DII and/or the Division to which the respondent/subject is assigned for review and appropriate action. EEO will refer other potentially improper acts that fall outside the jurisdiction of the ISP to the appropriate agency or entity within ten (10) days.
- IV.C.4. Personnel assigned to the EEO Office will not serve on an interview panel related to the selection of employees for promotion, appointment, assignment, or training.

V. PROCEDURES

NOTE: Employees are encouraged to utilize the options set forth in this directive to resolve issues related to harassing conduct, discrimination, harassment, and retaliation (described below, and in Addendum 1). However, nothing in this directive prevents an employee from asserting their right to pursue a claim through other legally available means, including the IDHR and the EEOC. (See Addendum 2 for contact information for these agencies.)

- V.A. These procedures apply to harassing conduct, discrimination, harassment, or retaliation allegations arising because of an impermissible factor or prior protected activity.
- V.B. Timeframes noted should be maintained unless special circumstances warrant an extension.

- V.B.1. During the initial reporting and screening of allegations, the EEO Office may grant extensions to the 45 days set out in section IV.A.3, but under no circumstances will the EEO Office extend the timeframes beyond the statutory deadlines for externally filing such allegations.
- V.B.2. During the intake inquiry and ADR processes the EEO Office, through mutual agreement of the aggrieved party and the respondent, may grant extensions to the timeframes.
- V.B.3. During the limited review and investigation processes, the Director may grant extensions to the timeframes.
- V.C. Initial reporting and screening of allegations
 - V.C.1. All employees reporting allegations of harassing conduct, discrimination, harassment, or retaliation and who desire a response from the ISP must communicate with an EEO Intake Counselor. An EEO Intake Counselor will make contact with the employee reporting such allegation(s) within five (5) days of receiving the report and document the employee's allegation(s).
 - V.C.2. EEO will review all allegations for initial timeliness pursuant to the timeframes noted herein, as well as validity and thoroughness of the information provided.
 - V.C.2.a. If information obtained in the screening of an allegation is insufficient to suggest the alleged actions constitute harassing conduct, discrimination, harassment, or retaliation; or shows the alleged actions fall outside the authority of the ISP, the EEO will notify the aggrieved party in writing. Employees may request that the EEO reconsider the decision by submitting his/her request in writing through the EEO Office to the Director or his/her designee along with any documentation to support his/her request.
 - V.C.2.b. If the information obtained in the screening of an allegation shows the alleged actions may constitute harassing conduct, discrimination, harassment, or retaliation, the EEO Office may remind the respondent of the need to refrain from conduct that may reasonably be considered discriminatory, harassing, and retaliatory; and complete an intake inquiry.
- V.D. Intake Inquiry
 - V.D.1. Upon determining a reported allegation may constitute harassing conduct, discrimination, harassment, or retaliation, where appropriate, an EEO Intake Counselor will:
 - V.D.1.a. Meet with the aggrieved party to document a brief explanation of his/her allegation(s) and requested resolution
 - V.D.1.b. Meet with the respondent to document any response to the allegation(s) and proposed resolution he/she has to offer
 - V.D.1.c. Gather additional information as needed and document the EEO Office's suggested resolution
 - V.D.1.d. Communicate with and document any additional information obtained during the respondent party's division's review of the matter, as well as their suggested resolution
 - V.D.1.e. if an agreed upon resolution is reached, the EEO Intake Counselor will prepare an EEO Resolution and Agreement.
 - V.D.2. Where possible, the intake inquiry process will be completed within 30 days of receipt of the allegation.

V.E. Alternative Dispute Resolution (ADR)

If the Intake Inquiry does not result in resolution of the allegation and the EEO Office determines it is appropriate to do so, the aggrieved party and respondent will be afforded the opportunity to participate in ADR. If either the aggrieved party or respondent are unwilling to participate in ADR, and when supported by a CADMF, the allegations will be referred for investigation (see paragraph V.G., below).

V.E.1. Mediation

V.E.1.a. If the aggrieved party and respondent agree to participate, EEO will coordinate mediation.

V.E.1.a.1) Two mediators selected by the EEO Office will meet with the aggrieved party and respondent to encourage dialogue and attempt to facilitate a resolution.

V.E.1.a.2) When possible, the assigned mediators should work in divisions other than the division(s) in which the aggrieved party and respondent work, and mediators should include a code employee when either the aggrieved party or respondent is a code employee.

V.E.1.b. The mediation will be conducted in a confidential, collaborative, and non-adversarial atmosphere.

V.E.1.b.1) The mediators will allow the aggrieved party to present an overview of the allegation and allow the respondent an opportunity to respond.

V.E.1.b.2) Mediators will make no determination as to whether or not any actions were consistent with department policy.

V.E.1.b.3) The mediators have no authority to impose a resolution upon the parties. Rather, the parties themselves, with the assistance of the mediators, will identify and come to agreement on a resolution.

V.E.1.c. If an agreed upon resolution is reached, the mediators will prepare an EEO Resolution and Agreement.

V.E.2. Participating in ADR does not prevent an employee from further using the procedures outlined in this policy if resolution cannot be reached or the discriminatory, harassing, or retaliatory conduct continues in the workplace.

V.E.3. Where possible, the ADR will be completed within 60 days of receipt of the allegation.

V.F. Limited Review

V.F.1. In the absence of a Dispute Intake and Resolution Form or CADMF, EEO investigators may conduct an examination of any ISP workplace activity regarding concerns about harassing conduct, discrimination, harassment, or retaliation.

V.F.2. These examinations will be conducted at the discretion of the Director and will not constitute an investigation.

V.F.3. The initiation of a limited review does not preclude the use of ADR.

V.F.4. Where possible, a limited review will be conducted within 60 days of receipt of an allegation.

V.F.5. If it is determined information obtained during a limited review warrants further investigation or may result in discipline, such information will be provided to the appropriate supervisor or manager so that he/she may determine whether a CADMF will be signed so that a formal investigation can be completed.

V.G. Investigation

- V.G.1. If an allegation remains unresolved through ADR, or at any time the aggrieved party wishes to proceed with an investigation in lieu of the intake inquiry or ADR processes, the aggrieved party will be provided a CADMF and notified of his/her right to pursue a formal complaint pursuant to ISP directive PER-030, "Complaint and Disciplinary Investigations." Should the aggrieved party fail to submit a completed CADMF within five (5) days, the case will be administratively closed unless further investigation by the EEO Office is deemed necessary to ensure compliance with the EEO policies and procedures.

NOTE: This does not preclude EEO from conducting limited reviews of workplace activities when done at the request of the Director. Such inquiries do not constitute an investigation unless supported by a CADMF.

- V.G.2. Employees may, but are not required to complete a CADMF at anytime after communicating with an EEO Intake Counselor regarding an allegation of discrimination, harassment, or retaliation. Employees may use the intake inquiry and ADR process without completing a CADMF.
- V.G.3. The initiation of an investigation does not preclude the use of ADR; however, once a CADMF is signed, successful resolution of a complaint through the ADR process must include withdrawal of the complaint as part of the EEO Resolution and Agreement.
- V.G.4. Upon receipt of a CADMF alleging violations of EEO policy:
- V.G.4.a. The EEO Office will advise the Director, Chief Legal Officer, and the Deputy Director(s) from the involved Division(s).
 - V.G.4.b. The EEO Office will consult with the DII to determine the appropriate office to investigate the complaint; however, in most instances the EEO Office will complete such investigations.
 - V.G.4.c. If the DII conducts the investigation, the DII will assign a personnel complaint (PC) number for internal tracking purposes.
 - V.G.4.d. If the DII does not conduct the investigation, it will refer the case back to the EEO Office and a personnel complaint referral (PCR) number will be assigned for internal tracking purposes.
 - V.G.4.e. When the DII or a special investigator is conducting the investigation, copies of all documentation will be forwarded to the EEO Office as they are individually approved.
- V.G.5. Investigations will be conducted in accordance with procedures as outlined. The scope of the investigation will be restricted to those acts noted in the CADMF but may be expanded if other potential violations are identified during the review or processing of the complaint.
- V.G.6. Should investigators request a sworn statement, employees will review a draft of the statement for accuracy, and must report to investigators any incorrect or incomplete information, prior to signing.
- V.G.6.a. When any needed corrections have been made to a statement, the statement provider will sign the statement attesting to the accuracy and completeness of the information contained therein.
 - V.G.6.b. A refusal to sign a statement may constitute insubordination and may be considered in performance evaluations and/or result in disciplinary action or other personnel actions, as determined by the Director.
- V.G.7. The EEO Office will notify the complainant when the evidence obtained in an investigation does not substantiate a violation of EEO policies.
- V.G.7.a. Should this occur, the complainant will be provided an opportunity to rebut the findings.

- V.G.7.b. Such rebuttal must be submitted in writing within seven (7) calendar days of notification and must include specific information not already provided which calls into question the findings of the Investigation.
 - V.G.7.b.1) If received, EEO will review the rebuttal and determine if further investigation is warranted, and the limits of any such investigation.
 - V.G.7.b.2) New allegations substantively different from those noted in the CADMF will be handled in accordance with the procedures outlined in this directive and may require another CADMF to support further action.
- V.G.8. Upon completion of the investigation, the Investigative Supervisor will review the information and prepare a written recommendation.
- V.G.9. The Chief of the EEO Office will:
 - V.G.9.a. Review the information and recommendation.
 - V.G.9.b. Provide his/her own recommendation to the Director that will include, but not be limited to, recommended charges and/or discipline where warranted.
 - V.G.9.c. Afford the Chief Legal Officer and Chief of the Office of Labor Relations and Special Projects the opportunity to review and comment upon the written recommendation prior to its submission to the Director.
- V.G.10. Upon review of relevant information, the Director will notify all parties of his/her decision.
 - V.G.10.a. The Director should notify the complainant of such decision within 180 days of completing the CADMF or be notified that the Director has granted an extension.
 - V.G.10.b. The Director will notify the complainant of his/her right to file a charge with the appropriate state or federal agency. However, nothing in this policy will prevent an employee from filing a discrimination complaint with the appropriate state or federal agency at any step in the process.
- V.G.11. The investigator assigned is responsible for accurate documentation of the investigation.
- V.H. Withdrawal
 - V.H.1. Upon submitting a written request, the complainant may withdraw an allegation or complaint, or any part thereof, during the Intake Inquiry, ADR or investigation processes.
 - V.H.2. However, the EEO Office may further an investigation regarding such allegation or complaint when said action is deemed necessary to ensure compliance with the ISP's EEO policies and procedures.
- V.I. Complaints made outside of the internal EEO process
 - V.I.1. Internal grievances
 - V.I.1.a. When any employee complains of employment discrimination (including harassment, sexual harassment, and retaliation) through a grievance under the state of Illinois Personnel Code, a collective bargaining agreement, or an internal agency grievance mechanism, the EEO Officer shall be notified of the grievance no later than the time it reaches the level of the Director.
 - V.I.1.b. The EEO Officer shall attend the grievance hearing at that level either as the hearing officer or as a consultant to the hearing officer. If serving as a consultant to the hearing officer, the EEO Officer shall provide a written recommendation to the hearing officer regarding the disposition of the grievance within the timeframe applicable under the grievance mechanism, and the hearing officer shall consider the recommendation in determining the merits of the grievance.

V.I.2. External charges or complaints

V.I.2.a. In some circumstances, individuals may decide to proceed with litigation or file a charge with a federal or state agency prior to the Department completing an intake inquiry, ADR, an investigation, or releasing its decision.

V.I.2.b. If this occurs, the EEO Office will complete a limited review.

The Chief of the EEO Office will:

V.I.2.b.1) Participate in any conference or hearing convened by an external agency with which the charge or complaint is filed.

V.I.2.b.2) Prepare a written recommendation for the Director.

V.I.2.b.3) Afford the Chief Legal Officer and Chief of the Office of Labor Relations and Special Projects the opportunity to review and comment upon the written recommendation prior to its submission to the Director.

V.I.2.b.4) Suspend processing of the EEO allegation or complaint beyond that described in this section.

V.J. Confidentiality

V.J.1. All employees with respect to harassing conduct, discrimination, harassment, or retaliation incidents and complaints will observe strict confidentiality. The EEO Office will share information only with those who specifically need to have knowledge of the incident, allegation or complaint to achieve the objectives of this directive.

V.J.2. The sharing of information related to an allegation, complaint, intake inquiry, limited review, ADR, or investigation (including information related to the existence of an allegation, complaint, or EEO process, as well as the scheduling or content of interviews or meetings) is prohibited. Any such disclosure or failure to maintain confidentiality may be considered in performance evaluations and/or result in disciplinary action or other personnel actions, as determined by the Director.

V.J.3. A complainant who requests copies of his/her EEO file may only be given copies of any correspondence directed to the complainant and copies of the case summary, determination, and recommendation. When release of the case summary, determination, and recommendation would otherwise unnecessarily compromise a witness' right to confidentiality, the EEO Office will redact information, as needed, prior to release.

V.J.4. Sworn statements obtained and reports created as part of an intake inquiry, ADR, limited review or investigation will not be released during the course of the intake inquiry, ADR, limited review, or investigation. A witness who provides a sworn statement may request a copy of the statement upon the closing of the case. Should such request be granted, the confidentiality requirements of this policy will apply to the statement and information contained therein.

V.J.5. Information obtained in the course of an intake inquiry, ADR, limited review, or investigation will be used consistent with this policy and will only be disclosed for other administrative or judicial proceedings as required by law or rule, or unless the aggrieved party/complainant and respondent/subject agree in writing that such disclosure be made.

V.J.6. No other dissemination of the content of EEO files is permissible unless required by law.

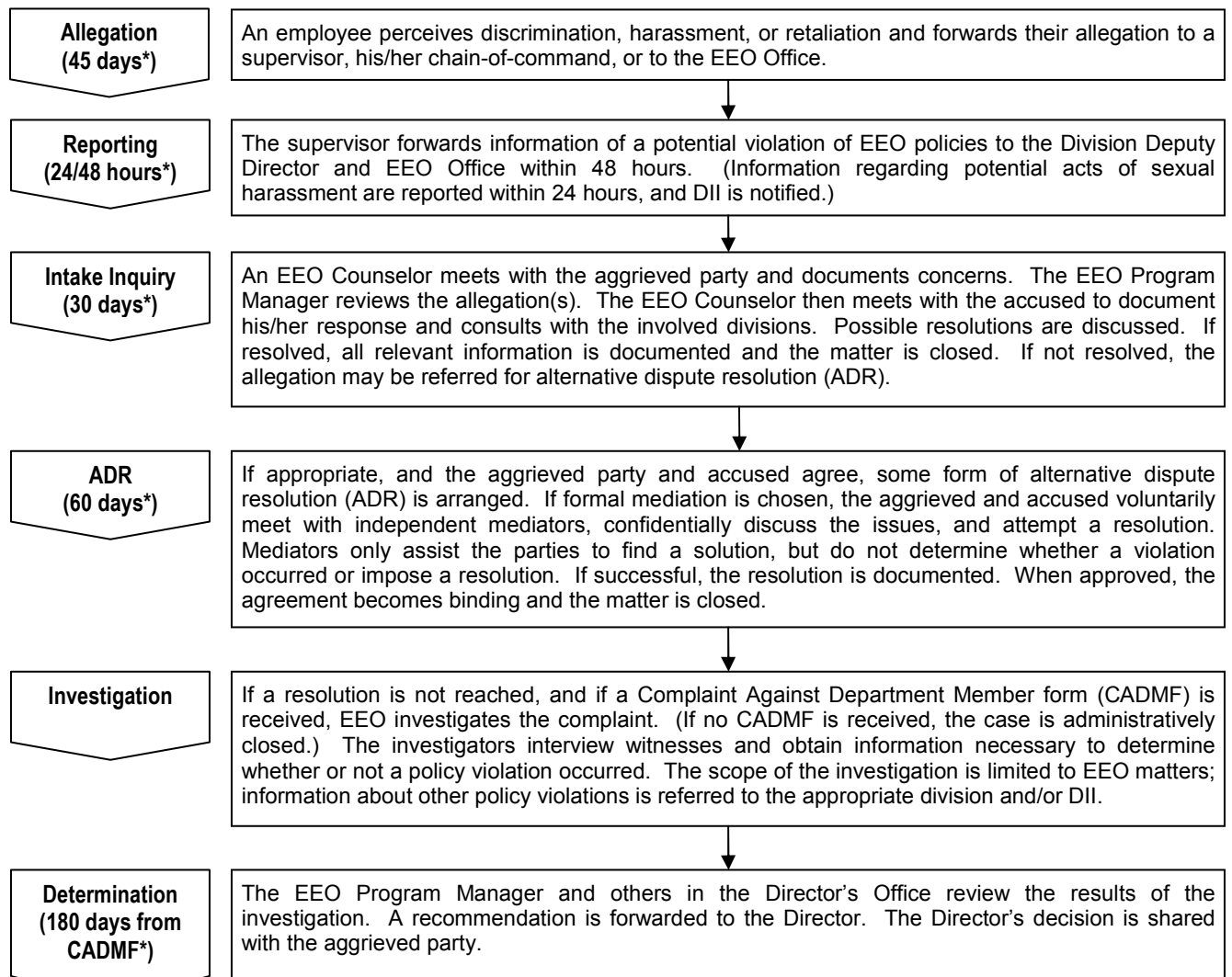
V.J.7. The EEO Office will provide annual statistical summaries of allegations and complaints to the ISP Public Information Officer for inclusion in the Department's annual report.

-End of Directive-

**ILLINOIS STATE POLICE DIRECTIVE
PER-032, DISCRIMINATION AND HARASSMENT
ADDENDUM 1, INTERNAL ALLEGATION AND COMPLAINT PROCESS**

RESCINDS: New Addendum	REVISED: 11-22-2010 2010-112
RELATED DOCUMENTS: PER-009, PER-030, PER-032, PER-033	DISTRIBUTION: All employees, sworn and code Office/desk copy
RELATED CALEA STANDARDS: 26.1.3, 26.1.4, 26.1.5, 26.1.8, 31.2.3, 52.1.1, 52.1.2, 52.1.3, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5	

This chart shows an example of how an EEO allegation may typically be processed. Refer to the base directive for specific definitions, procedures, and responsibilities.



***NOTE:** Information regarding potential violations must be forwarded in accordance with PER-032, paragraph V). Other timeframes noted may be extended when warranted by special circumstances.

-End of Addendum-

**ILLINOIS STATE POLICE DIRECTIVE
PER-032, DISCRIMINATION AND HARASSMENT
ADDENDUM 2, STATE AND FEDERAL AGENCY CONTACT INFORMATION**

RESCINDS: New Addendum	REVISED: 11-22-2010 2010-112
RELATED DOCUMENTS: PER-009, PER-032, PER-033	DISTRIBUTION: All employees, sworn and code Office/desk copy
RELATED CALEA STANDARDS: 26.1.3, 26.1.4, 26.1.5, 26.1.8, 31.2.3, 52.1.1, 52.1.2, 52.1.3, 52.2.1, 52.2.2, 52.2.3, 52.2.4, 52.2.5	

Equal Employment Opportunity (EEO) policies establish prompt, thorough, and effective procedures for responding to allegations and complaints of discrimination, harassment (including sexual harassment), and retaliation, so issues can be identified and, when necessary, remedied internally. However, nothing in these policies prevent an employee from contacting or reporting concerns to the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC).

You may find information regarding the EEOC complaint process online at <http://www.eeoc.gov/>. You may find information regarding the IDHR complaint process online at <http://www.state.il.us/dhr/>.

Contact information for these agencies:

Illinois Department of Human Rights
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
Telephone (312) 814-6200
TTY (312) 263-1579

Illinois Department of Human Rights
222 South College, Room 101A
Springfield, Illinois 62704
Telephone (217) 785-5100
TTY (217) 785-5125

Illinois Department of Human Rights
Marion Regional Office Building
2309 West Main Street, Suite 112
Marion, Illinois 62959
Telephone (618) 993-7463

Equal Employment Opportunity Commission
500 West Madison Street, Suite 2800
Chicago, Illinois 60661
Telephone (312) 353-2713
Toll-free (800) 872-3362
TTY (312) 353-2421

Equal Employment Opportunity Commission
1222 Spruce Street, Room 8-100
St. Louis, Missouri 63103
Telephone (314) 539-7800
TTY (314) 425-6547

-End of Addendum-