

# **DEMOCRATIC PARTY OF COOK COUNTY AMENDED POLICY AND PROCEDURE FOR REVIEWING CLAIMS OF ALLEGED SEXUAL HARASSMENT AGAINST ITS COMMITTEEPERSONS, OFFICERS, OFFICIALS, STAFF MEMBERS, AND EMPLOYEES**

**(Adopted August 16, 2019)**

The Cook County Democratic Party (“Party”) formally adopted the “Democratic Party of Cook County Policy and Procedure for Reviewing Claims of Alleged Sexual Harassment Against Its Committeemen, Officers, Officials, Staff Members, and Employees” on April 18, 2018. On August 16, 2019, the Party formally adopted the Policy below, which incorporates, amends, and supersedes the April 2018 version of this policy.

## **Statement of Principles**

The “Party” stands for and strives to protect the interests of working people and seeks to guarantee personal liberties for everyone by proudly endorsing Democratic candidates at the federal, state and local level in Cook County. Consistent with those shared values, the Party is committed to achieving an equitable, respectful and safe working environment for all of its committeepersons, officers, officials, staff members and employees, and expects those individuals to live up to those values as well as recognized standards of proper professional and ethical conduct. The Party is committed to being a leader in addressing the problem of sexual harassment in the political realm and creating a culture that is welcoming and respectful, as well as both physically and emotionally safe and secure for everyone to participate in Cook County politics.

## **Policy Prohibiting Sexual Harassment**

Based on those fundamental values, the Cook County Democratic Party does not tolerate and therefore prohibits sexual harassment by any means by any committeeperson, officer, official, staff member or employee (“CCDP committeepersons or personnel”). Anyone who is the victim of or a witness of a suspected violation of this Policy by CCDP committeepersons or personnel may report a complaint pursuant to this Policy, regardless of whether the victim or witness is formally affiliated with the Party. Because it is important to encourage the reporting of complaints made in good faith, the Party also strictly prohibits any form of retaliation by CCDP committeepersons or personnel against any individual who, in good faith, reports, assists in reporting, or participates in an investigation of a suspected violation of this Policy, and prohibits anyone from obstructing, impeding, or undermining any legitimate inquiry into a complaint.

The Party’s authority for this Policy is founded in Article 1 of the By-Laws of the Party, which permits the Party to enforce recognized standards of proper professional and ethical conduct over its committeepersons, officers, officials, staff members, and employees, and in the Party’s inherent right to govern itself and its members according to its own established and announced customs, policies, practices, procedures, and rules.

## **Definition of Sexual Harassment and Scope of the Policy**

Sexual harassment consists of behavior which a reasonable person would interpret or perceive as being intended to: (1) promote, encourage, sanction or endorse any unwelcome sexual advance, (2) request sexual favors or any conduct of a sexual nature when such action is made either explicitly or implicitly as a term or condition of any requested action or employment, or (3) create a hostile, intimidating or offensive environment in which a person is subjected to any verbal or nonverbal sexually related activity (including by computer, cyber, cell phone, digital, internet, telephone, and wireless means) which is alarming, dehumanizing, humiliating, offensive or threatening. Sexual harassment is a form of discrimination prohibited by the Civil Rights Act of 1964, the Illinois Human Rights Act, and provisions of the Illinois Constitution and statutes, as well as various local laws and ordinances. It is also subject to the interpretations of federal and state courts in varying contexts. It is the Party's policy to incorporate the developing law from these various legal sources in applying and interpreting these guidelines.

Sexual harassment may include a range of subtle or overt, verbal or non-verbal, and physical or not physical behaviors and may involve individuals of the same or different genders. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; displaying, communicating, or distributing sexually suggestive objects, pictures, or messages in the workplace; and other physical, verbal, nonverbal, or visual conduct of a sexual nature.

The Policy extends to conduct of CCDP committeepersons and personnel in their professional and political capacity, including conduct that occurs outside of official Party business. For example, harassment perpetrated by a CCDP committeeperson at a non-work-related event on a staff member from his or her personal political office would be covered by this Policy.

## **Reporting**

Individuals who believe they have been subjected to or have witnessed sexual harassment or retaliation should promptly report complaints orally or in writing to either the County Chair; the Chair of the By-laws and Rules Committee ("Committee"); or the Advisory Board, which will be an independent board of volunteers with expertise that will be convened to provide guidance and oversight to the investigation process. The Advisory Board will be comprised of three volunteers with specialized knowledge and expertise in the area of sexual harassment and/or independent investigations, who will be selected by a majority vote of the Central Committee and will commit to serving on the Advisory Board for a term of two years. The scope of the Advisory Board's responsibilities will include serving as an independent channel to accept complaints of suspected violations of this Policy, and reviewing the investigations performed by the Committee in accordance with this Policy to ensure independence as described below. Members of the Advisory Board shall strictly maintain the confidentiality of all information received in their capacity as members of the Advisory Board.

In recognition of the Party's mission and shared aspirational workplace culture that this Policy is designed to achieve, CCDP committeepersons and personnel are expected to be leaders in this cultural change, and are therefore strongly encouraged to report suspected Policy violations.

Under this Policy, retaliation is forbidden by CCDP committeepersons or personnel against any individual who, in good faith, reports, assists in reporting, or participates in an investigation of a suspected violation of this Policy. While not an exhaustive list, retaliation can include the following types of conduct: termination or demotion; intimidation or excessive discipline; social exclusion or isolation; reduction in responsibilities or unfavorable work assignments; passing over for favorable work assignments; stricter application of the policies; or denial of overtime or promotion. Retaliation is a separate violation under this Policy, and any CCDP committeepersons or personnel found to be retaliating may be subjected to the sanctions listed below.

The Party also encourages bystanders to speak up if they see or hear something that they believe violates the Policy, or something they think is inappropriate, including suspected instances of retaliation. Bystanders should feel empowered to intervene to stop inappropriate conduct, if they feel comfortable doing so. However, bystanders may also report the misconduct if they do not feel comfortable addressing the offending individual or if they do not believe that addressing the offender would be effective. It is a violation of this Policy to retaliate against a bystander who intervenes or reports suspected misconduct under this Policy.

### **Investigation Procedural Guidelines**

Within ten (10) days, the party receiving the report shall refer it to the By-laws and Rules Committee ("Committee"), which may assign it to the appropriate subcommittee, for a preliminary review as to whether there is just cause to proceed with an investigation. To the extent that the target of the complaint is a member of the By-laws and Rules Committee, the target shall recuse himself or herself from the preliminary review stage and any subsequent investigation. The purpose of this preliminary review is to ensure that only good faith complaints proceed to the investigation stage of the process.

Within seven (7) days of the referral, the Committee shall determine through a majority vote whether to proceed with an investigation. If it proceeds, the Committee shall conduct a fair and thorough investigation that provides fundamental due process to all interested parties. The Committee may engage legal counsel with specialized knowledge and expertise in the area of sexual harassment and/or independent investigations to assist it in undertaking the investigation, adopting rules and procedures, conducting hearing(s), interpreting the weight of the evidence, and making recommendations to the Central Committee. The Committee shall make every possible effort to preserve the confidentiality of the complainant and the target during the investigative and hearing process. To that end, it may exercise its sound discretion to view sensitive materials *in camera*, employ necessary and reasonable redaction, and protect the privacy interests of all interested parties. The complainant and the target of the complaint may be represented by counsel of their choosing.

The investigation should include separate personal interviews with the complainant, the target of the complaint, and any others who may have knowledge of the alleged events, incidents

or circumstances giving rise to the complaint. The Committee may conduct hearing(s) which shall be conducted before the Committee alone and shall not be open to the public or the media. The Committee shall consider pertinent and appropriate evidence that is probative of the particulars of the who, what, when and where of the facts underlying the complaint, and may consider the credibility of that evidence in determining how much weight to give the evidence. The Committee shall seek all necessary information, in a manner that is respectful and fair to the complainant and the target of the complaint. Findings shall be made based upon a preponderance of the evidence.

The Committee should conclude its work within sixty (60) days of receipt of the complaint. It shall advise the County Chair of any extension of time needed. Upon completion of its work, the Committee shall draft written findings with its conclusion as to whether the target of the complaint violated the Policy. The Committee shall provide a summary of its investigation and its conclusion to the Advisory Board convened as described above, which shall make a determination as to whether the Committee's process was sufficiently thorough, fair, and independent.

To the extent the Advisory Board identifies deficiencies in the process that can be corrected by the Committee, it shall submit such recommendations to the Committee for consideration. The Committee shall address the deficiencies, and submit a final written report of its findings and recommendations to the Central Committee. If the Advisory Board identifies deficiencies that cannot be corrected by the Committee or the Committee declines to implement the Advisory Board's recommendations, then the Advisory Board shall submit its concerns to the Central Committee when the Committee submits its final report to the Central Committee. The Central Committee may address the Advisory Board's concerns as appropriate.

If the Committee determines no violation of this Policy occurred and the Central Committee agrees, then the Committee shall make an appropriate written finding dismissing the complaint and providing a written notification to the parties. Such dismissed complaints shall remain confidential. Where the Committee finds a violation and the Central Committee agrees, the report's recommendations shall be considered pursuant to the procedures contained in Article V of the By-laws of the Party. Under such circumstances, the Central Committee proceedings may be held in open session or in an executive session as the body, in its discretion, shall determine, given the circumstances.

### **Potential Sanctions**

Upon a determination that the preponderance of the evidence has established that a CCDP committee person or personnel has engaged in sexual harassment, the Committee may recommend to the Central Committee that the following sanction(s) be imposed:

- Verbal or written reprimand
- Verbal or written censure
- Removal of his or her name from Party advertising, communications, emails, endorsements, mailings, notices, political literature, programs, promotional materials, and public service announcements

- Temporary or permanent suspension or removal from any office or position created under the By-laws of the Party
- Temporary or permanent suspension or removal from the Executive Committee of the Party
- Temporary or permanent suspension or removal from the position of Chair or Vice Chair of any Standing, *ad hoc* or other Party Committee
- Temporary or permanent suspension or removal from membership on any Standing, *ad hoc* or other Party Committee
- Temporary or permanent suspension or removal from any position, role or duty to which the individual had been appointed by the County Chairman
- Temporary or permanent bar from designated activities and functions of, or appearances on behalf of, the Party
- Withdrawal of any formal endorsement for his or her candidacy received from the Party
- Suspension, loss of pay or of a benefit or termination of an employee

Because the individual committeepersons are initially elected directly by the Democratic voters within their respective wards and townships, there are certain sanctions that the Party is not permitted to utilize because those sanctions would effectively disenfranchise the voters who elected the committeeperson in question. Thus, sanctions for a violation of this Policy may not include the following: (1) removal from membership in the Central Committee; (2) any infringement upon that individual's right to cast weighted votes as provided by the Illinois Election Code or the By-Laws of the Cook County Democratic Party, or (3) limitation on any right otherwise conferred upon a committeeperson pursuant to Illinois law.

In considering which of potential sanctions to recommend, the Committee may consider the nature and pattern of the conduct, the context in which the conduct occurred, its continuation over time, the disposition or findings by any other agency, entity or body of a similar claim arising out of the same activities or conduct, and the totality of the circumstances.

### **Adoption of these Policies and Procedures**

It is the intention of the Cook County Democratic Party that these Policies and Procedures be liberally construed to give effect to their intended purposes that they be interpreted according to the laws of the State of Illinois. It is further the intention of the Cook County Democratic Party that these Policies and Procedures shall remain in full force and effect unless and until they are superseded, amended or modified by some future written document formally adopted by the Party.