



## HARASSMENT & BULLYING POLICY OF CHICAGO UNDERSEA EXPLORERS SOCIETY

**Section 1: Responsibilities.** It is the goal of the Chicago Undersea Explorers Society (CUES) that all staff, volunteers, customers, contractors and visitors (hereafter referred to as “associates”) enjoy a positive, respectful and productive environment, free from inappropriate behavior, bullying and actions or language constituting harassment. All associates are responsible for creating and maintaining an environment free of discrimination and harassment. Any bullying, unprofessional or disrespectful behavior, even if not illegal, interferes with that goal and will not be tolerated. All levels of volunteers are responsible for the following:

- A. Conducting themselves in a professional and impartial manner;
- B. Ensuring that a professional and respectful climate is maintained by all CUES members and associates; and
- C. Creating and maintaining an atmosphere free from all forms of harassment and unlawful discrimination.

Inappropriate behavior or harassment by any person and in any form will not be tolerated. If such conduct occurs, immediate and appropriate action is to be taken as outlined in this document, the Code of Ethics, and the CUES Bylaws. In the case of violation, regardless of police investigation status, corrective actions taken by the CUES Board of Directors (BOD) may include, but are not limited to, ejection from the society, event, or trip, without refund or compensation. The CUES BOD and/or Ombudsperson reserves the right to respond to inappropriate behavior that has been reported to them by any source.

### **Section 2: Definitions.**

- A. Harassment.** Harassment is any unwelcome conduct, regardless of intent, towards an individual, whether verbal, physical or visual, because of a person’s actual or perceived age, sex, disability, marital status, national origin, race or color, religion, sexual orientation, gender identity or any other characteristic protected by federal, state or local law. Harassment does not need to be established by a series or pattern of events, but may be the result of a single event during which an individual has suffered harassment. Examples of conduct that may constitute harassment and will violate this policy include, but are not limited to:



## HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)

- a. Oral or written communications that contain offensive name-calling, jokes, slurs, negative stereotyping or threats. This includes comments or jokes that are distasteful or targeted at individuals or groups based on a person's actual or perceived age, disability, marital status, national origin, race or color, religion, sex, gender identity or sexual orientation;
- b. Nonverbal conduct such as staring, stalking, leering and giving inappropriate gifts;
- c. Physical conduct such as assault, battery, or inappropriate and/or unwanted touching; and
- d. Visual images such as derogatory or offensive pictures, cartoons, drawings or gestures. Such prohibited images include those in hard copy or electronic form.

**B. Bullying.** CUES defines bullying as persistent, malicious, unwelcome, severe and pervasive mistreatment that harms, intimidates, offends, degrades or humiliates an individual, whether verbal, physical or otherwise, during the course of association with CUES. Examples of conduct that may constitute bullying and will violate this policy include, but are not limited to:

- a. Exclusion or social isolation;
- b. Excessive monitoring or micro-managing;
- c. Work-related harassment (work-overload, unrealistic deadlines, meaningless tasks);
- d. Being held to a different standard than the rest of an associate's group;
- e. Consistent ignoring or interrupting of an individual in front of associates;
- f. Personal attacks (angry outbursts, excessive profanity, or name-calling);
- g. Encouragement of others to turn against the targeted associate;
- h. Sabotage of an associate's work product or undermining of an associate's work performance;
- i. Invasion of another person's personal space;
- j. Unreasonable interference with an associate's ability to do his or her work (i.e. overloading of emails or other communication avenues);
- k. Infliction of verbal abuse, such as the use of derogatory remarks, insults and epithets; and
- l. Conduct that a reasonable person would find hostile, offensive, and unrelated to the associate's legitimate business interests.

Harassment and bullying behaviors are not only unacceptable, but may be illegal when the conduct creates an intimidating, hostile or offensive environment that causes performance to suffer or negatively affects opportunities.



## HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)

**C. Sexual Harassment.** Sexual harassment is a form of harassment that is based on a person's actual or perceived sex, gender identity or gender expression. Sexual harassment also includes inappropriate sex-based behavior, which may be directed towards individuals of same or differing gender identities. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, or unwanted sexual attention. Harassment creates a hostile, intimidating, or uncomfortable environment. Examples of conduct that may constitute sexual harassment and will violate this policy include, but are not limited to:

- a. Obscene jokes;
- b. Lewd comments;
- c. Sexual depictions;
- d. Repeated requests for dates; and
- e. Inappropriate touching, staring, or other unwanted sexual conduct.

**D. Discrimination.** Prohibited discrimination may take different forms. Such conduct may include, but is not limited to, actions that are based on a person's actual or perceived age, race, gender, gender identity, gender expression, color, marital status, sexual orientation, religion, ethnicity, order of protection status, or any other status protected by law that adversely affects an individual's employment, volunteer status, evaluation, wages or economic benefit, advancement, assigned duties, hours of work, benefits, opportunity for development, or any other condition of employment or volunteer status.

**Section 3: Handling of Observed or Suspected Violations of This Policy.** The availability of this Policy does not preclude associates who believe they are being subjected to harassment or bullying conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that such behavior stop immediately.

Associates are strongly encouraged to report any violations of this Policy immediately to a CUES Director or the Society's Ombudsperson(s), if one or more Ombudsperson(s) are appointed. Should a CUES Director or Ombudsperson receive an allegation of harassment or bullying, or have reason to believe that such behavior is occurring, the recipient of the alleged behavior must be contacted. This contact shall extend support and information regarding potential options for meetings and investigations. In addition to any legal action, if the recipient of the alleged behavior so desires, or if the alleged behavior threatens a person's life, one or both of the following actions may be taken:

- A. Discussion with a CUES Director or the Society's Ombudspersons
- B. Formal investigation, where the outcome will dictate the appropriate disciplinary action to be taken (if any)



## HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)

### **Section 3.1: Discussion with CUES Director or the Society's Ombudspersons.**

Upon an associate's reporting of a violation or suspected violation of this Policy to a CUES Director or Ombudsperson, if the recipient of the alleged behavior so chooses or in the case of a life-threatening situation, a discussion will take place between the complainant and a CUES Director or the Society's Ombudsperson within fourteen (14) days of receipt of the complaint. The purpose of this discussion is to outline both the details of the incident(s) and to review the formal complaint and investigatory process. No record of this information and/or meeting shall be kept unless the complainant wishes to pursue further action (see Section 3.2). If deemed appropriate by the complainant, mediation between the complainant and the respondent shall be facilitated by the Society's Ombudspersons or a CUES Director.

**Section 3.2: Formal Investigation.** Formal investigation of a complaint consists of three (3) parts: submitting a complaint, investigating the complaint, and filing a final report. The investigation must begin within thirty (30) days of receiving the complaint and either a final report or a request for an extension must be submitted within ninety (90) days of receiving the complaint. This process may result in disciplinary action if pursued.

#### **Section 3.2.1: Submitting a Complaint**

Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing. The CUES Director or Ombudsperson to whom the original allegation was brought may assist the complainant in completing a written statement, up to and including transcribing a verbal complaint. Whether written or dictated, the complaint must be signed and dated by the complainant.

To ensure the prompt and thorough investigation of a harassment or bullying complaint, the complainant should provide as much of the following information as is possible:

- A. The name and position of the person or persons allegedly committing the offense;
- B. A description of the incident(s), including the date(s), location(s) and the presence of any witnesses;
- C. The effect of the incident(s) on the complainant's ability to perform his or her job, or in other terms or conditions of his or her involvement in the society;
- D. The names of other individuals who might have been subject to the same or similar harassment;
- E. What, if any, steps the complainant has taken to try to stop the offensive behavior or action;



## **HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)**

- F. Any other information the complainant believes to be relevant to the complaint.

Once a formal complaint has been submitted, the CUES BOD is obligated to promptly investigate and apply appropriate corrective action, if deemed necessary.

### **Section 3.2.2: Investigation**

An investigation must begin within thirty (30) days of the receipt of a complaint. Should a CUES Director be either the complainant or the respondent, they shall be recused from the following investigatory and resolution process beyond the roles of complainant or respondent respectively.

A BOD-appointed representative shall thoroughly and impartially investigate the complaint, which will include an interview with the complainant, respondent, and any potential witnesses. The representative will then report back to the BOD and Ombudsperson(s) the results of the investigation and any recommendations for disciplinary action (if applicable). The BOD can then decide by a majority vote of members currently in office to continue the investigation if they feel additional interviews or reevaluation of the evidence is necessary, dismiss the claims, or execute a determined disciplinary action. If a continuation of the investigation is pursued, this process will continue until the claims are dismissed or disciplinary action is taken. At this point, a final report will be submitted and the complainant and respondent will be alerted to the outcome of the investigation and will abide by the decision of the BOD. Either a final report or a request for an extension must be filed within ninety (90) days of the receipt of a complaint.

If an investigation results in a finding that this policy has been violated, the mandatory minimum discipline is a written reprimand. The discipline for very serious or repeat violations is termination of association with CUES. Persons who violate this policy may also be subject to civil damages or criminal penalties.

### **Section 3.2.3: Final Report**

Once an investigation has been completed, a final report detailing the findings of the investigation must be filed as outlined in the record storage section below. In addition, both the complainant and the respondent will receive written notice of the outcome of the investigation, and anyone interviewed during the investigation will receive notice that the investigation has been concluded. Once the final report has been completed, the CUES BOD will be notified that the



## HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)

investigation has been concluded and a summary will be given at the next CUES BOD meeting.

### **Section 3.3: Record Storage.**

The original complaint, the final report, and all investigation notes will be maintained for two (2) years following the relevant associates' termination and/or separation from CUES. If CUES reasonably anticipates litigation, either by receipt of a formal charge or by a verbal threat by an associate, all potentially relevant documentation relating to either the events or the associate must be kept until the final disposition of the charge or any lawsuit based on the charge or CUES no longer reasonably anticipates litigation and the two (2) year minimum maintenance time has been met. All records shall be stored in physical form in two separate locked locations with the Chair of the CUES BOD and the Secretary of the CUES BOD and can only be accessed by the Chair of the CUES BOD, the Secretary of the CUES BOD, or the Ombudspersons. If the complaint involved either the Chair of the CUES BOD or the Secretary of the CUES BOD, then the records from that investigation shall be stored in a locked location with the Vice-Chair of the CUES BOD. Only the Chair of the CUES BOD, the Secretary of the CUES BOD, or the Ombudspersons may have access to the original complaint, the notes from the investigation, and the final report; however, if the Chair or the Secretary are either the complainant or the respondent to a complaint, they shall not have access to the original complaint, the notes from the investigation, or the final report for that complaint.

**Section 4: Confidentiality.** All complaints and investigations are treated confidentially to the extent possible and information is disclosed strictly on a need-to-know basis. The identity of the complainant is usually revealed to the parties involved during the investigation and the BOD appointed investigator advises the BOD on adequate measures to ensure that the complainant is protected from retaliation during and after the investigation.

**Section 5: Legal Complaints.** The procedures available under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a victim of harassment or bullying under local, state or federal law. The Equal Employment Opportunity Commission (EEOC), the Illinois Department of Human Rights and the Illinois Human Rights Commission are responsible for enforcing discrimination laws. They receive and investigate complaints and provide recourse; however, there are deadlines for filing such complaints. For further information with regard to filing a legal complaint, these agencies should be contacted directly.

**Section 6: Protections.** CUES prohibits retaliation against a staff member who complains in good faith about alleged inappropriate behavior, even if sufficient evidence is not found to substantiate the complaint. Similarly, CUES prohibits retaliation against staff who participate in an investigation of a harassment complaint. This includes, but is not limited to, protection from



## **HARASSMENT & BULLYING POLICY VERSION 1.0 (2020-06-29)**

retaliation in the form of an adverse action such as termination, request to leave the society, withholding of certification, compensation decreases or poor work assignments, threats of legal action, and threats of physical harm. It is a violation of both federal law and this policy to retaliate against someone who has reported possible harassment. Violators may be subject to discipline at the discretion of the BOD, subject to the Bylaws and Code of Ethics.