



## COOK COUNTY STATE'S ATTORNEY'S OFFICE

### POLICY TITLE: EQUAL EMPLOYMENT OPPORTUNITY POLICY

Approved: May 10, 2023

Supersedes: January 5, 2023

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#### A. Intent

1. This policy is intended to be interpreted consistently with and subject to applicable law. It supersedes all earlier policies and/or memoranda that may have been issued from time to time on subjects covered in this policy.
2. This policy is not intended to supersede or limit the CCSAO from enforcing programs or provisions in any applicable collective bargaining agreement. Should any provision in this policy conflict with a specific provision(s) in the Policy, the provision(s) in this policy shall take precedence.

#### B. Jurisdiction

The CCSAO is authorized to control the internal operations of the State's Attorney's Office pursuant to 55 ILCS 5/3-9006.

#### C. Severability

If any section or provision of this document should be held invalid by operation of law, none of the remainder shall be affected.

#### D. Areas Affected

This policy applies to all CCSAO employees as a condition of employment.

#### E. Nondiscrimination

The CCSAO prohibits the discriminatory application, implementation, or enforcement of any provision of this policy on the basis of race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information, marital status, work authorization status, or any other category protected by local, state, or federal laws.

#### F. Policy

1. The purpose of this Equal Employment Opportunity Policy ("Policy") is to ensure that the CCSAO provides a workplace free from unlawful discrimination, harassment, retaliation, and bullying as herein defined, so that it maintains an environment in which every person is treated with dignity and respect, and provides an effective means for the resolution of Policy violations made by CCSAO employees, interns, law clerks and applicants for employment.
2. As an employer, the CCSAO conforms to the spirit and the letter of all applicable laws and regulations prohibiting discrimination, harassment, and retaliation.



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3. The Cook County State's Attorney's Office ("CCSAO") is an Equal Employment Opportunity ("EEO") employer.
4. The CCSAO is dedicated to principles of equality, diversity, and inclusion.
5. The CCSAO seeks to ensure that all employment decisions are based on valid job requirements
6. The CCSAO is committed to providing a work environment that does not tolerate harassment, discrimination, bullying, or retaliation.
7. Harassment or unlawful discrimination against individuals on the basis of any protected category, including race, religion, creed, color, national origin, sex, pregnancy, sexual orientation, gender identity, age, ancestry, physical or mental disability, genetic information, marital status, work authorization status, or any other category protected by local, state, or federal laws is prohibited by CCSAO policy.
8. Bullying in the workplace, as herein defined, is also prohibited by CCSAO policy.
9. The CCSAO will provide reasonable accommodation for known physical or mental limitations of an otherwise qualified CCSAO employee, intern, law clerk, or applicant, so long as the accommodation would not impose an undue burden on the operation of the CCSAO, as defined by federal law.
10. The CCSAO will provide reasonable accommodations for pregnancy, childbirth, and medical or common conditions related to pregnancy or childbirth in accordance with the Illinois Human Rights Act, and any other applicable laws.
11. Retaliation is expressly forbidden against any person who asserts any rights pursuant to this Policy, files a complaint concerning potential violations of this Policy, participates in an investigation of a complaint concerning potential violations of this Policy, or otherwise opposes any act or practice made unlawful by federal, state, or local equal employment opportunity laws, or made forbidden by this Policy.

**G. Scope**

1. This Policy and the procedures set forth herein shall apply to all employees, law clerks, interns, consultants, and contract personnel, as well as applicants for employment with the CCSAO.



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2. This Policy applies to all aspects of the relationship between the CCSAO and its employees, including employment, promotion, transfer, training, work conditions, wages and salary administration, employee benefits, and application of policies.
3. The policies and principles of equal employment opportunity also apply to the selection and treatment of candidates for employment, independent contractors, personnel working on the premises who are employed by temporary agencies, and any other persons or firms doing business for or with the CCSAO.

#### **H. Limitations**

1. Nothing in this Policy is intended to nor shall be construed to create a private right of action against the CCSAO or any of its employees.
2. No part of this Policy is intended to nor shall be construed to create contractual or other rights or expectations.
3. Nothing herein is intended to affect the right of any person to:
  - a. File a charge of discrimination at any local, state, or federal agency with jurisdiction over such claims;
  - b. Raise a grievance under a collective bargaining agreement; or
  - c. Consult a private attorney.
4. A determination that this Policy has been violated is not a determination of discrimination, harassment, or retaliation under federal, state, or local law. Conduct that may not be considered unlawful under applicable federal, state, or local laws may nevertheless violate this Policy and may result in disciplinary action, up to and including termination.

#### **I. Policy Dissemination, Implementation, & Enforcement**

1. The CCSAO's Director of Human Resources will be responsible for disseminating this policy. Bureau Chiefs and Executive Staff members are responsible for Policy implementation.
2. All employees are responsible for overall compliance with this Policy.
3. The Equal Employment Opportunity Officer is responsible for the enforcement of this Policy.



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**J. Prohibited Conduct**

**1. Discrimination**

- a. Unlawful discrimination is the adverse treatment of any employee, intern, law clerk, or applicant based on the employee's or the applicant's real or perceived membership in a protected category.
- b. This Policy prohibits discrimination that is based on actual or perceived membership in any protected category.

**2. Harassment**

- a. The CCSAO prohibits all forms of unlawful harassment, including sexual harassment. Harassment consists of unwelcome and offensive conduct, whether verbal, physical, visual or differential treatment, that is based on a person's legally protected category, when:
  - i. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
  - ii. Submission or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's employment; or
  - iii. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a hostile or offensive work environment.
- b. Prohibited harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, lewd, vulgar, or obscene remarks, jokes, posters, or cartoons, and any unwelcome touching, pinching, or other physical contact.
- c. Other forms of unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters, or cartoons based on race, national origin, age, disability, marital status, or other legally protected categories.
- d. Harassment is prohibited in the workplace and other work-related settings such as business trips, off-premises social events, email, social media, or through other electronic communications.

**3. Bullying**

- a. Bullying is repeated, malicious, mistreatment of an employee that harms, intimidates, offends, degrades, or humiliates an employee, whether verbal, physical or otherwise.



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- b. Bullying is prohibited in the workplace and work-related settings such as business trips, off-premises social events, email, social media, or through other electronic communications.
- c. Bullying is not:
  - i. An employee being directed to engage in legitimate work-related activities and being disciplined for failure to do so;
  - ii. A managerial or supervisory employee setting performance, production, or other work-related expectations;
  - iii. Mutual arguments or disagreements; or
  - iv. A single isolated negative episode of social rejection, dislike, nastiness, or display of anger.
4. Third-Party Harassment
  - a. Third-party harassment occurs when the harassment is committed by a person or group of people who work outside the control of the employer, the CCSAO, with whom the CCSAO's employee has a contact in the course of performing their work functions.
  - b. It is the duty of any employer to provide a place in which it is safe to work and that is free from harassment. Accordingly, this Policy expressly prohibits harassment by third parties in the workplace. Complaints by CCSAO employees alleging third-party harassment will be processed per this Policy.
5. Retaliation
  - a. It is a violation of this Policy to retaliate against any person who asserts any rights pursuant to this policy, including but not limited to:
    - i. Requesting a reasonable accommodation;
    - ii. Opposing discriminatory or bullying practices in the workplace;
    - iii. Complaining about conduct prohibited by this Policy; or
    - iv. Complaining to, cooperating with, or assisting in resolving a complaint alleging a violation of this Policy.
  - b. Retaliatory actions include, but are not limited to, refusal to hire, denial of promotion



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or job benefits, demotion, suspension or termination, poor performance reviews, nit-picking, ostracism, or any other actions affecting the terms or conditions of employment or that would dissuade someone from making future complaints.

#### **K. Responsibilities**

##### 1. EEO Officer Responsibilities

- a. Managing the CCSAO's process for investigating and resolving complaints made pursuant to this Policy.
- b. Assisting Bureaus, Units, and the Executive Team with questions related to the implementation of this Policy.
- c. Conducting training to ensure that all employees are aware of this Policy and that all Chiefs, Directors, Officers, Supervisors, and Managers understand their role in implementing this Policy and promoting a fair, inclusive, and respectful workplace.

##### 2. Bureau Chief Responsibilities

- a. Taking the necessary steps to implement this Policy within their Bureau, including ensuring that employees are aware of the Policy, and that employees must cooperate fully in investigations conducted pursuant to this Policy.
- b. All other responsibilities as outlined in this Policy.

##### 3. Executive Staff Responsibilities

- a. Implementing this Policy by ensuring that employees within their purview are aware of the Policy and that employees must cooperate fully in investigations conducted pursuant to this Policy.
- b. Members of the Executive Staff include the Chief of Staff, the Deputy Chief of Staff, the First Assistant, the Chief Deputy Assistant, the Chief Ethics Officer, the Chief Diversity Officer, the Chief Technology & Data Officer, and the External Affairs Director.
- c. The Chief of Staff shall also be the officer designated to receive final reports of investigations and discipline recommendations from the EEO Officer or their designee.

##### 4. Chiefs, Directors, Officers, Managers, and Supervisors

- a. All Chiefs, Directors, Officers, Managers, and Supervisors have a key responsibility in establishing and maintaining a workplace free from discrimination, harassment,



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bullying, and retaliation. These employees have the following responsibilities.

- b. Reporting Potential Violations
    - i. All CCSAO employees holding such positions who receive a complaint of a violation of this Policy, or who become aware, or reasonably should become aware, of conduct that may be considered in violation of this Policy, are required to report the complaint or conduct to the EEO Officer and the Director of Human Resources.
    - ii. Supervisors and Managers must also report the complaint or conduct to their Bureau Chief. Failure by these CCSAO employees to report a complaint of such conduct may result in discipline, up to and including termination.
  - c. Assisting with EEO Investigations
    - i. All CCSAO employees holding such positions shall also make themselves available when requested to assist with various aspects of the investigation process, such as scheduling time for employees to meet with the EEO Officer or designee, gathering documents pursuant to the requests of the EEO Officer or designee, and advising participants of the importance of confidentiality.
    - ii. Failure by CCSAO employees to cooperate with investigations of alleged Policy violations may result in discipline, up to and including termination.
  - d. Reporting Voluntary Relationships
    - i. While voluntary social relationships are not prohibited by this Policy, the existence of a dating relationship and/or physically intimate relationship between a Supervisor and subordinate has the inherent potential for coercion and conflicts of interest and may create the appearance of impropriety.
    - ii. Therefore, any Supervisor who has such a relationship with another employee over whom he or she has any supervisory authority must report this fact to their Bureau Chief, Director, or Officer in writing; or, in the case of a Bureau Chief, Director, or Officer, to the Chief of Staff and Director of Human Resources.
  - e. Failure to report such relationships may result in discipline, up to and including termination.
5. Employee Responsibilities
- a. Creating and maintaining a respectful, discrimination-free, harassment-free, retaliation-free, and bullying-free work environment.



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- b. Complying with this Policy and appropriately conducting themselves at all times.

**L. Making Complaints**

**1. Reporting Prohibited Conduct**

- a. Any employee, intern, law clerk, or applicant for employment who believes they have been discriminated against or harassed on the basis of a protected classification, who claims to have suffered retaliation, or who believes they are being subjected to bullying, may file a complaint with the EEO Officer. Contact information for the EEO Officer appears at the end of this Policy and is available on the CCSAO's website.
- b. Any employee or applicant may also report any conduct believed to be discriminatory, harassing, bullying, or retaliatory to the Director of Human Resources, any member of the Executive Staff, or a Bureau Chief, Deputy Bureau Chief, Director, Officer, a manager, or Supervisor. Those employees are obligated to inform the EEO Officer of any such reports they receive.
- c. Any claims of discrimination or harassment will be investigated promptly. To ensure an effective investigation, employees should voice their complaints as soon as possible. By promptly making complaints, employees allow the EEO Officer to preserve relevant information and recommend remedial measures in the event of substantiated complaints.
- d. The filing of a complaint with the EEO Officer does not limit, extend, replace, or delay the right of any person to file a similar charge with any outside local, state, or federal agency. Failure to file a complaint with the EEO Officer does not impact the rights of any person to file a charge with any outside local, state, or federal agency.

**M. Investigation of Complaints**

**1. Initiating the Investigation**

- a. Upon receiving a complaint or report of discrimination, the EEO Officer will first determine whether the allegations, if true, would constitute a violation of this Policy. If the allegations presented, even if true, would not constitute a violation, the EEO Officer will proceed with one of the options outlined in this Policy.
- b. In cases where the allegations, if true, describe conduct that would constitute a violation of this Policy, the EEO Officer will promptly conduct an equitable and thorough investigation.





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2. Duty to Cooperate
  - a. All employees, including managerial and supervisory employees, interns, and law clerks shall cooperate with the EEO Officer and designees during an investigation under this Policy.
  - b. Failure to cooperate may subject an employee, intern, or law clerk to discipline, up to and including termination.
3. False Allegations or Information
  - a. Any individual who knowingly makes a false accusation of discrimination, harassment, bullying, or retaliation, or who knowingly provides false information during an investigation, may be subject to discipline, up to and including termination. A complaint made in good faith, even if found to be unsubstantiated, will not be considered a false accusation.
  - b. Investigation Reports
    - i. When the investigation is complete, the EEO Officer will prepare an Investigation Summary Report, containing a summary of the evidence, and a finding of whether a Policy violation has occurred. The report will state whether the allegations are "substantiated" or "not substantiated."
    - ii. In instances where the EEO Officer finds that the allegations are substantiated, the Investigation Summary Report shall indicate the specific portion(s) of the Policy, and any applicable conduct section(s) of the Personnel Rules that have been violated and shall make a recommendation of discipline to the Chief of Staff.
    - iii. All Investigation Summary Reports will be sent to the Chief of Staff and the Director of Human Resources.
  - c. Notification of Parties
    - i. The EEO Officer shall provide written notification to the complaining party ("Complainant") and the accused party ("Respondent") advising them of the outcome of the investigation.
    - ii. The notification will not include the recommended discipline made in substantiated cases.
  - d. Chief of Staff Response



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- i. Within 30 days of receiving an Investigation Summary Report making a substantiated finding, the Chief of Staff will advise the EEO Officer in writing of the actions taken. The Chief of Staff will indicate whether they followed the recommendation stated in the report, took some other action, or took no action.
  - ii. All disciplinary actions taken pursuant to a recommendation in the EEO Investigation Summary Report shall be in accordance with applicable collective bargaining agreement provisions and/or applicable personnel rules.
4. Confidentiality
- a. All complaints and investigations will be kept confidential to the extent possible and permissible by law.
  - b. To maintain confidentiality, the EEO Officer may limit the distribution of the Investigation Summary Report and the Investigative File.
  - c. In substantiated cases, the EEO Officer will provide a copy of the Investigation Summary Report to the Respondent, upon the Respondent's request.

**N. Other Options for Resolution of Complaints**

1. Referral to the Bureau Chief or Chief of Staff
  - a. If the EEO Officer determines that the allegations of the complaint, even if true, would not violate this Policy, but describe conduct that may be of concern, the complaint will be referred to the Bureau Chief of the Bureau where the employee is assigned for further review.
  - b. If the allegations concern a member of the Executive Staff, a Bureau Chief, Deputy Bureau Chief, Director, or Officer, the complaint will be referred to the Chief of Staff.
2. Referral to the CCSAO Ethics Officer
  - a. If the allegations of a complaint describe conduct that is not covered by this Policy, but if true, may constitute other misconduct, the EEO Officer will advise the CCSAO Ethics Officer in writing of such complaints.
3. Complaints Involving Third Parties
  - a. Complaints of third-party harassment will be tendered to the third-party employer's EEO Officer, Human Resources, Chief of Staff, or other official designated by the third-party employer to receive and investigate such complaints.



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- b. The CCSAO EEO Officer will assist the third-party employer's designee and the affected employee to determine and seek mitigating action.

**O. Penalties**

Employees found to violate this Policy will be subject to discipline, up to and including termination.

**P. Contacting the EEO Officer**

Employees may contact the EEO Officer in person, by email, or by phone, using the contact information below. Office hours are 8:30 a.m. to 4:30 p.m.

Cook County State's Attorney's Office  
Donyelle L. Gray, EEO Officer  
69 W. Washington, 32<sup>nd</sup> Floor  
Phone: (312) 603-3645  
Email: [Donyelle.Gray@cookcountyil.gov](mailto:Donyelle.Gray@cookcountyil.gov)