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SECTION VI. ANTI-HARASSMENT POLICY

A. Introduction

The Company desires to have a professional working environment for its employees so that they may carry out their duties in productive and positive surroundings. Although conduct may not rise to the level of unlawful harassment from a legal perspective, the Company wants to protect its employees from abuse and to prevent conduct from becoming so severe or pervasive as to alter the conditions of an employee's employment, create an abusive, intimidating or hostile working environment or result in a tangible employment action. Accordingly, the Company has adopted a "zero tolerance" policy against harassment. Harassment is unwarranted and unwanted verbal or nonverbal conduct that threatens, intimidates, annoys or insults another person where such conduct has the purpose or effect of creating an offensive, intimidating, degrading and/or hostile working environment and/or interferes with and/or adversely affects a person's performance. The Company prohibits any form of unlawful harassment against its employees and applicants for employment based on factors such as sex (including sexual harassment, gender harassment, and harassment based on pregnancy, childbirth, or related medical conditions), marital status, sexual orientation or preference, race, color, religion, national origin, ancestry, age, mental or physical disability, veteran status, or other status protected by applicable law.

B. Sexual Harassment

With respect to sexual harassment, the Company prohibits any unwelcome sexual advances, request for sexual favors and other verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct may have the purpose or effect of unreasonably interfering with an individual's work performance; or
4. such conduct may create an intimidating, hostile or offensive working environment.

Examples of the types of conduct that would violate the Company's policy including the following:

- touching, such as rubbing or massaging another person's neck or shoulders, stroking another person's hair, or brushing against another person's body.
- Sexually suggestive touching, gestures, or sounds.
- Grabbing, groping, kissing or fondling.

- Lewd, off-color, sexually oriented comments or jokes.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti or cartoons.
- Unwanted or offensive letters, memos or poems.
- Offensive e-mail, voicemail or text messages.
- Sexually oriented or explicit remarks, including written or verbal references to sexual conduct or gossip regarding one's sex life, body, sexual activities, deficiencies, or prowess.
- Questions about one's sex life or experiences.
- Repeated requests for dates after having been turned down.
- Sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Sexual assault, rape or other coerced sexual activity.

Both opposite sex and same sex harassment are prohibited under this policy.

C. Other Forms of Harassment

With respect to other forms of harassment, the Company prohibits slurs or other verbal or physical conduct relating to matters such as an individual's race, color, religion, national origin, ancestry, marital status, age, mental or physical disability, veteran status, sexual orientation or other protected status when this conduct:

1. may have the purpose or effect of creating an intimidating, hostile, or offensive working environment; or
2. may have the purpose or effect of unreasonably interfering with an individual's work performance; or
3. otherwise may adversely affect an individual's employment opportunities.

D. Coverage of the Policy

The Company's "zero-tolerance" policy with respect to harassment applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether it is committed by executives, managers, supervisors, fellow employees or non-employees (such as customers, vendors, suppliers, or business invitees). The conduct prohibited by this policy is not only unacceptable in the workplace itself but also at any other work-related setting such as holiday parties, gatherings or other work-related social events, on business trips, and at conferences, seminars, educational gatherings, and other meetings. Each executive, manager and supervisor is responsible for creating an atmosphere free of harassment, whether it is sexual or another form of harassment. In addition, all employees are responsible for respecting the rights of their fellow employees and for cooperating in any investigation of alleged harassment.

E. Reporting and Investigating Alleged Harassment

If an employee experiences any job-related harassment or believes that he or she has been subjected to harassment, the employee should promptly report the incident to the EEO Officer. If an employee believes that the EEO Officer is involved in the job-related harassment or is condoning it, or if the employee does not feel comfortable reporting the incident to the EEO Officer, the employee should bypass the EEO Officer, and report the alleged harassment directly to the Company President.

If any executive, manager or supervisor learns of an incident of alleged harassment, it is that individual's responsibility to report immediately the incident to the appropriate person under this policy. An investigation of the allegations of all complaints will be made as soon as practicable and, to the extent practicable and appropriate under the circumstances, confidentiality will be maintained. If the investigation leads to a determination that a complaint is well grounded and true, appropriate corrective action shall be taken. In determining whether alleged conduct constitutes harassment in violation of this policy and the appropriate steps to redress any such violations or avoid the possibility of a future occurrence, factors such as the nature of the alleged harassment, the context in which the alleged conduct occurred, and the totality of the facts and circumstances will be investigated and considered.

F. Time Frame for Reporting Harassment

The Company encourages prompt reporting of complaints so that rapid response and appropriate action may be taken. Thus, all complaints should be reported within 180 days (six months) of the alleged harassment.

G. No Retaliation

It is the Company's policy that no adverse action shall be taken against any employee for resisting or reporting harassment. If an employee believes that he or she has been retaliated against for resisting or reporting harassment, the employee should report such retaliation in the same manner as set forth above for employees who have complaints of harassment. Retaliation is a very serious violation of the Company's policy and should be reported immediately.

Under the Company's policy, no executive, manager, or supervisor has any power to take any tangible employment action against or with respect to an employee, such as discharge, promotion, demotion, or undesirable reassignment, that is motivated by a desire to harass or to retaliate for reporting harassment or as a result of an employee's resistance or acquiescence to harassment or retaliation. If an employee suffers or experiences or believes he or she will suffer or experience a tangible employment action as a result of harassment or retaliation or resistance or acquiescence to harassment or retaliation, the employee should promptly appeal the action or proposed action to the EEO Officer, or if the tangible employment action is being proposed or imposed by the EEO Officer, then to the Company President.

H. Importance of Reporting Harassment

It is a core value of the Company that maintaining a professional working environment for its employees is central to its long-term success. The Company believes that only by having a professional working environment can employees carry out their duties in a productive and positive surrounding. When that environment is threatened by harassment, it threatens the stability of the Company to the detriment of all of its employees. Harassment often follows a pattern, and when it

goes unreported by those who experience it, it may encourage the perpetrator to harass others. By failing to report harassment as required by this policy, an employee not only endangers himself or herself, but also others as well.

By enforcing this zero-tolerance policy and appropriately investigating all reports of harassment, the Company seeks to protect all employees and maintain a harassment free, professional working environment. It is for these reasons, among others, that the Company's policy requires that, if an employee who suffers or experiences, or believes he or she will suffer or experience, any job-related harassment prohibited by this policy, the employee promptly report the incident.

I. Disciplinary Action

If any employee of the Company engages in conduct that violates this policy, or other conduct that the Company believes is unprofessional, that employee will be subject to discipline up to and including discharge.

J. External Complaint Procedures – Illinois Employees

The Company hopes that any incident of harassment can be resolved through the internal procedures outlined above. Employees of the Company, however, have the right to file formal harassment charges with the Illinois Department of Human Rights (the "IDHR") and/or with the Equal Employment Opportunity Commission (the "EEOC"). A charge with the IDHR must be filed within 180 days of the harassing incident. A charge with the EEOC must be filed within 300 days of the incident. It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC.

The IDHR may be conducted as follows:

Chicago: (312) 814-6200
Chicago TDD: (312) 263-1579
Springfield: (217) 785-5100
Springfield TDD: (217) 785-5125

The EEOC may be conducted as follows:

Chicago: (312) 353-2713
Chicago TDD: (312) 353-2421
F: Chicago: (800) 669-4000
F: Chicago TDD: (800) 669-6820

K. External Complaint Procedures – Indiana Employees

The Company hopes that any incident of harassment can be resolved through the internal procedures outlined above. Employees of the Company, however, have the right to file formal harassment charges with the Indiana Department of Transportation (the "INDOT"), the Indianapolis District EEOC Office (the "EEOC"), and/or with the Indiana Civil Rights Commission (the "ICRC"). It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the INDOT, the EEOC, or the ICRC.

Indiana Department of Transportation
Equity Initiative Services
100 N. Senate, Room N750
Indianapolis, IN 46204
Phone: (317) 914-2832

Indianapolis District EEOC Office
101 West Ohio Street, Ste 1900
Indianapolis, IN 46204
Phone: (800) 669-4000
Fax: (317) 226-7953
TTY: 1 (800) 669-6820

Indiana Civil Rights Commission
100 N. Senate Ave., Room N103
Indianapolis, IN 46204
Toll Free: 1 (800) 628-2909
Phone: (317) 232-2600
Fax: (317) 232-6560
Hearing Impaired: 1 (800) 743-3336