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# Sexual Harassment in Illinois: Public Opinion and Legislative Action

Oluwaseyi Amosu

*Southern Illinois University Carbondale, seyiamosu@siu.edu*

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## **The Simon Review**

### **SEXUAL HARASSMENT IN ILLINOIS: PUBLIC OPINION AND LEGISLATIVE ACTION**

By Seyi Amosu  
Celia M. Howard Fellow, 2018-2019

Paper #55 – April 2019

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# THE SIMON REVIEW

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Paul Simon Public Policy Institute  
Southern Illinois University Carbondale  
Mail Code 4429  
1231 Lincoln Drive  
Carbondale, Illinois 62901

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## **ABSTRACT**

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The last several years have brought sexual harassment in the public and private sector to the forefront of national conversation. This paper addresses the issue of sexual harassment specifically within the Illinois public sector. First, to understand how Illinoisans view sexual harassment, the Paul Simon Public Policy Institute conducted statewide polling. This endeavor asked respondents about their perceptions of how well the public understands sexual harassment, how likely people who engage in harassing behavior are to be held accountable, and whether or not the respondents would be likely to vote for a political candidate accused of sexual harassment. This paper outlines best practices on addressing sexual harassment with an in-depth look at how Illinois is currently addressing public sector sexual harassment via policy, legislative action, and training initiatives. This is done in hopes of providing the state of Illinois with some recommendations and future direction on how to be a national leader in combatting sexual harassment.

# SEXUAL HARASSMENT IN ILLINOIS: PUBLIC OPINION AND LEGISLATIVE ACTION

## INTRODUCTION

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Over the last several years, the #MeToo movement has gained national attention as people have been speaking up about their own experiences of sexual harassment and abuse in sectors of society such as film, food service, and politics. Within the last two years, the issue of sexual harassment has emerged in the Illinois General Assembly. In October of 2017, over 130 people signed an open letter alleging widespread sexual harassment in Illinois politics and government. Since then, Illinois has become one of the first states to pass legislation inspired by #MeToo including the creation of a Senate Task Force on Sexual Discrimination and Harassment Awareness and Prevention. In September of 2018, the issue resurfaced at the national level with the hearings for the Supreme Court nominee Brett Kavanaugh, addressing allegations of sexual misconduct against Kavanaugh. The allegations against Kavanaugh appear to be a microcosm of sexual harassment is prevalent within the state and nation.

Sexual harassment is broadly defined as unwanted, sexually connoted behavior or intent that the recipient finds offensive or threatening to their well-being (McDonald, 2012). This encompasses a wide range of behaviors, making it difficult to identify a universal definition of the construct. Such behaviors exist on a continuum “from requests for socialization or dates, personal insults and ridicule, leering, offensive comments and non-verbal gestures, to sexual propositions and sexual and physical assault” (McDonald, 2012, p. 2). In addition, most definitions prescribe that the conduct must be unwanted and have “the purpose or effect of being intimidating, hostile, degrading, humiliating or offensive” (McDonald, 2012, p. 2).

Most instances of sexual harassment are by men against women. About 85% of complaints have women as the plaintiffs, with the remaining 15% of cases being filed by men. However, even

when the target is a man, a majority of perpetrators in those cases are male. (McDonald, 2012).

Although much of the literature on sexual harassment frames the issue as being solely between heterosexual men and women, in reality, individuals of all genders and orientations report incidents of sexual harassment. Therefore it is vital that sexual harassment theory be treated as inclusive of a range of experiences. Sexual harassment in the public sector has a high incidence rate, which ranges from anywhere between 42-57% and incurring associated costs estimated at \$327 million annually (U.S. Merit Systems Protection Board, 1995).

Measuring the prevalence and incidence of sexual harassment can be difficult. Studies have found that when asked, people are less likely to directly claim experiencing sexual harassment but will claim experiencing behaviors that constitute sexual harassment (McDonald, 2012). One reason for this finding may be that people tend to minimize behaviors that fit the definition of sexual harassment. Ilies et al. (2003) found that when respondents used their own definitions of sexual harassment, they cited fewer than half of incidents that researchers considered sexual harassment. These issues cause the estimated prevalence and incidence rates of sexual harassment to be widely variable within the available literature. Variations may be attributed to differences in understanding which behaviors are considered sexual harassment, lack of reporting, or cultural variations (McDonald, 2012). Despite difficulty capturing the exact rate of sexual harassment, it is important to note that incidence does not appear to have decreased over time (Newman, Jackson, & Baker, 2003).

In 1986, the Supreme Court acknowledged that sexual harassment within the workplace violates Title VII of the Civil Rights Act of 1964 by creating a hostile work environment (Bisom-Rapp, 2002). This ruling piqued interest in the subject area. Subsequently, most sexual harassment research focuses on the workplace. Consistent research has linked sexual harassment to psychological, health, and job related consequences (McDonald, 2012). In a meta-analysis with a total sample size of 89,382, sexual harassment was found to be related to decreased job satisfaction, commitment, and

performance as well as increased withdrawal and absenteeism (Chan, Chun, Chow, & Cheung, 2008). This provides incentives for workplaces that may not address sexual harassment due to beliefs that it is a social issue that does not impact the work environment. In fact, sexual harassment comes with large organizational costs, including those related to turnover and recruitment, investigation of claims, and management of fees associated with legal action the organization may be facing. Other negative consequences may include damage to an organization's reputation or loss of important sources of external funding/partnerships (McDonald, 2012).

Regardless of a unified definition or precise prevalence rates, exposure to unwanted sexual behavior at work produces negative outcomes for the individual and the workplace (McDonald, 2012). Furthermore, we need an accurate understanding of sexual harassment and its outcomes in order to effectively address the issue within organizations and through policy (Chan et al., 2008). This paper focuses on workplace sexual harassment as it occurs in the public sector. Increased conversation about sexual harassment within Illinois and national politics makes the state an excellent case study for understanding and combatting the issue.

## **1 REVIEW OF LITERATURE**

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### **1.1 WHY DOES WORKPLACE SEXUAL HARASSMENT HAPPEN?**

Several theories exist for why sexual harassment occurs. Biological views suggest that sexual harassment is an extension of sexual desire between individuals of different genders. As such these views argue that sexual harassment is not harmful and does not result in discrimination. This explanation has been widely criticized and ultimately rejected by most researchers in this area (McDonald, 2012). Researchers are more inclined to view sexual harassment as "an exercise of power rather than of sexual interest" (Gutek, Cohen, & Konrad, 1990, p. 561).

Later models have highlighted the differences in economic and social power men are granted compared to women. These explanations focus on societal power rather than position occupied in the workplace (McDonald, 2012). A worker's demographic characteristics indicate their social power within the workplace and society at large. Because the balance of power in society favors men, even women in high status positions experience vulnerabilities related to their gender.

Gender context and differential work power are two aspects of workplaces which have been identified as primary contributors to the prevalence of sexual harassment (McDonald, 2012). Gender context is the degree to which gender is a salient component of the workplace. Differential work power considers that women in organizations are statistically more likely to hold subordinate positions, which makes them more vulnerable as potential targets of sexual harassment (McDonald, 2012). From this perspective, gender is a large determinant of the risk of harassment as well as proclivity to harass (Jackson & Newman, 2004). Those who are most often targets of sexual harassment tend to have lower status and power within workplaces and society. Federal workers who are the most likely to receive unwanted sexual attention in the workplace are young, single or divorced women in low-status jobs. This is an indication that power in the workplace plays a key role in the incidence and prevalence of sexual harassment (Newman et al., 2003). This federal trend is also mirrored in statewide data (Kelly, 1995).

**Gender Stereotypes.** Gender is one of our earliest socializing agents, forming in-group and out-group interactions (e.g. between boys and girls, men and women) early on in life. Because humans naturally form social groups, interaction between individuals within those groups is inevitable. This creates intergroup relations which oftentimes are accompanied by intergroup conflict (Brewer, 2010,). If gender is understood as a form of intergroup relations, sexual harassment can be understood as a type of intergroup conflict that occurs when men and women interact negatively. Hostility between groups forms when the in-group perceives threat to its welfare, position, resources, or power from the

out-group (Brewer, 2010). This is consistent with theories of sexual harassment that view the behavior as a way for men to maintain power over women within a patriarchal society (Guttek et al., 1990). Several theories have addressed how to improve intergroup hostility. Such theories may prove useful in understanding how to curb workplace sexual harassment through improving intergroup relations.

Allport suggests that fostering positive intergroup relations can be done through facilitating contact. Prejudice reduces contact with out-group members. Because of this, individuals who are high in prejudiced attitudes are less likely to encounter out-group members. Contact allows for in-group members to interact with out-group members and provides opportunities for inaccurate, negative stereotypes to be disconfirmed (Allport, Clark, & Pettigrew, 1954). Inaccurate stereotypes about women in the workforce and the nature of sexual harassment have been linked to harassing behaviors. Therefore, contact allows for these stereotypes to be corrected. Contact alone is insufficient to produce positive intergroup relations. Other necessary conditions include a) institutional support for intergroup contact, b) equal status among the groups, c) a common goal between the groups, and d) cooperation (Brewer, 2010).

Theoretically, a workplace context should facilitate both cooperation and the presence of a common goal due to the shared interest of employees. Most relevant to the case of sexual harassment is equal status among groups. As discussed, women are consistently underrepresented in positions of power within the public sector (Center for the American Woman and Politics, 2018). Western feminism has focused on increasing representation of women at the highest levels of politics as a way to symbolize gender equity throughout society (Connell, 2006). Continued efforts in this area will continue to pave the way for improved gender relations within public sector workforces.

One antecedent of sexual harassment of women working in the public sector may be stereotypical perceptions of women in leadership positions (Eagly & Karau, 2002). This makes understanding gender stereotypes a core component of workplace sexual harassment. Stereotypes as a

whole refer to beliefs and perceptions about individuals in certain social groups (Y. Lee, McCauley, and Jussim, 2013). More specifically, gender stereotypes describe beliefs about men and women and the ways that they should behave. Gender roles ascribed to women often position them as submissive, affectionate, gentle, and nurturing. Men's gender roles ascribe characteristics such as strength, confidence, dominance, aggression, and independence (Eagly & Karau, 2002). Women are often socialized away from possessing traits that steer them toward obtaining leadership positions.

Gender roles also prescribe social-sexual behavior. Men are expected to initiate sexual behavior, whereas women are supposed to respond (Gutek et al., 1990). Similarly, men are expected to be more sexual (e.g. advances, telling sexual jokes, discussing sexual encounters) than women, and it is considered more appropriate for them to do so. Sex-role spillover is sociocultural theory that proposes that the gendered roles men and women are socialized into (e.g. men as sexual agents and women as sexual objects) often manifest in the workplace which may lead to sexual harassment (McDonald, 2012).

The vast disparity of men who are perpetrators of sexual harassment has led some researchers to conclude that sexual harassment is a male socialization issue (McDonald, 2012). Sex-role-spillover posits that gender roles influence workplace dynamics and performance but are often irrelevant to work. This explanation suggests that men carry previously learned inappropriate sexual expectations about women into the workplace, resulting in differential treatment of men and women at work. Men are more likely to engage in social-sexual behaviors in the workplace because they are more likely than women to report that such behaviors (e.g. sexual comments, sexual touch) are appropriate. A resulting dynamic occurs where men initiate unwanted sexual contact at work creating a harassing environment for women (Gutek et al., 1990).

The effects of sex-role-spillover are most obvious in workplaces where there is a gender imbalance. The gender of the predominant group influences expectations for how men and women

will be treated in that environment. This means that “when there are more men than women in a workplace, the men treat the women first as women and secondarily as workers” (Jackson & Newman, 2004, p. 707). As a result, women who work in male-dominated environments are more likely to experience unwanted sexual attention. (Jackson & Newman, 2004). The public sector provides a timely example of a male-dominated work environment. Despite the increased representation of women in higher level positions, men still vastly outnumber women (Eagly & Karau, 2002). This imbalance is especially concerning because women make up 46% of the workforce, hold 51% of all bachelor’s degrees, and have earned 45% of all advanced degrees. However, when we look at leadership positions, women are only 23% of U.S. senators, 20% of congressional representatives, and 12% of state governors. Even more concerning is that these numbers reflect the highest they have been in recent years (Center for the American Woman and Politics, 2018).

Public sector sexual harassment can be seen as an extension of how women in politics (or leadership positions in general) are treated (Eagly & Karau, 2002; Krook, 2017). Women often experience a variety of barriers when trying to engage in political arenas that their male peers do not. The negative experiences many women report in political arenas is largely due to prejudice. Negative stereotypes are closely linked to prejudiced behaviors such as discrimination and sexual harassment.

Stereotype researchers Lee, Vue, Seklecki, and Ma (2007) link negative stereotypes of a social group with inaccurate perceptions and subsequently prejudice related to individuals in that group. In the case of sexual harassment, this prejudice leads to differential treatment of primarily women in work environments. Following the 1986 Supreme Court ruling *Meritor Savings Bank v. Vinson*, sexual harassment was understood to be a form of discrimination under Title VII of the *Civil Rights Act of 1964*. Stereotype literature suggests that discrimination in the form of sexual harassment results from inaccurate and negative stereotypical beliefs about women in the workplace, politics, and leadership positions.

**Sexual Harassment Myth Acceptance.** Inaccurate, negative beliefs are not only prevalent about women, but about the topic of sexual harassment itself. Within the literature, these beliefs are referred to as sexual harassment myths. Sexual harassment mythology is defined as “attitudes and beliefs that are generally false but are widely and persistently held, and that serve to deny and justify male harassment of women” (Lonsway, Cortina, and Magley, 2008, p. 600). Sexual harassment beliefs include misinformation regarding motives of perpetrators, impact on victims, or blaming victims for experiencing harassment. Such beliefs also serve to protect perpetrators of harassment from negative evaluation (Lonsway et al., 2008).

Sexual harassment myths have been identified in three main domains – a) denial of incident, b) shift of guilt and responsibility, and c) downplaying of consequences. Denial of incident myths relegate sexual harassment to rare instances of misunderstanding rather than a societal level issue. Myths that shift responsibility from the perpetrator often justify the perpetrator’s actions by suggesting ways the target contributed to the harassment. Lastly, myths that downplay the consequences suggest that the impact of sexual harassment on the target is overstated or exaggerated (Diehl, Glaser, & Bohner, 2014).

In line with research that demonstrates that men are more likely to engage in harassing behaviors, men are also more accepting of sexual harassment myths than women (Diehl, Glaser, & Bohner, 2014). This suggests that sexual harassment myth acceptance (SHMA) is linked to proclivity to harass. In fact, research has shown that sexual harassment myth acceptance mediates the relationship between hostile sexism and gender harassment. Men who hold hostile sexist beliefs and engage in sexually harassing behavior, use various sexual harassment myths to justify their behavior (Diehl, Rees, & Bohner, 2012). Sexual harassment myth acceptance is highly correlated with rape myth acceptance. Rape myth acceptance has been shown to affect men’s proclivity to rape (Diehl, Rees, & Bohner, 2012). Similarly, research suggests that sexual harassment myths follow the same

mechanisms, making men with higher acceptance of sexual harassment myths more likely to harass (Vanselow, Bohner, Becher, & Siebler, 2010). One explanation for this is that sexual harassment myth acceptance is linked to decreased empathy for victims as a result of minimizing the consequences.

## **1.2 SEXUAL HARASSMENT TRAINING**

The goal of understanding sexual harassment is to reduce and prevent harassing behaviors. Training is often recommended as the ideal solution for sexual harassment prevention (Reese & Lindenberg, 2003). Training is key because trained supervisors will recognize harassing behavior and know how to address it. Similarly, trained employees will know their rights regarding experiencing harassment in the workplace. Proclivity to harass will be reduced if employees are made aware of the consequences of their actions (both for themselves and their targets) (Eberhardt, Moser, and McFadden, 1999).

Training may have positive impacts; however, research indicates that the public sector lags in its effective training implementation. One study of Michigan local governments found that 45% of municipalities had provided employee sexual harassment training, and only 27% trained supervisors. Sixty-two percent of trainings covered the organization's sexual harassment policy and definitions of harassment but only one fourth included training on how to conduct an investigation (Reese and Lindenberg, 2002). Results suggest that government workplaces are highly variable in how they train employees to recognize and address sexual harassment.

Recommendations for model policies directed at sexual harassment have remained consistent over time (Eberhardt et al., 1999; Reese and Lindenberg, 2003). Such policies typically include a definition of sexual harassment, examples of harassing behaviors, and training for supervisors, employees, and investigators. Policies also include procedures for making a complaint as well as procedures for investigation (e.g. who will conduct investigation and how guilt or innocence will be evaluated). Comprehensive policies outline to whom complaints should be made, specify

confidentiality, guarantee protection from retaliation, and allow for complaints to be investigated and addressed promptly. (Eberhardt et al., 1999).

**Organizational Support for Training.** Most of the available recommendations specify features of effective policies and training. However, a hallmark study by Treviño and colleagues (1999) found that the specific characteristics of the training are less important than the organizational culture. Organizational culture refers to how the organizational climate responds to sexual harassment and the availability of options for targets of sexual harassment to report their complaints (McDonald, 2012). When employees perceive the training to be in line with organizational values, policies, and procedures (e.g. the overall ethical culture of the organization), such training is more likely to be effective. Training is least likely to be effective when it is perceived as an attempt for the organization to shield itself from blame. This is exacerbated by an organizational culture that encourages self-interest and blind obedience to higher-level authorities.

When composing an ethics or compliance training curriculum, the formal characteristics (e.g. formal code of conduct, ethics officer) are less important than organizational follow-through. For the most effective outcomes, organizations must act in accordance with the ethical values they try to instill in their employees. These recommendations are consistent with one of the key factors of contact hypothesis that dictates that in order to initiate positive intergroup contact, there first must be organizational authority support for the contact (Pettigrew & Tropp, 2006). Furthermore, organizational authority must support changes in social norms that encourage intergroup acceptance which requires a change in institutional culture.

In the case of sexual harassment, organizations must commit to having low tolerance for harassment within the workplace. Tolerance is reflected by an environment with policies, practices, and procedures in place that communicate whether sexual harassment is acceptable behavior. Organizational climates that are tolerant of sexual harassment include those which have no policy on

sexual harassment or do not effectively communicate their policy, have no protocol for reporting sexual harassment, or reports that are made are not investigated, and do not punish employees who engage in harassing behavior (Walsh, Timothy J. Baerle, & Magley, 2013).

The support of leadership in improving gendered workplace relations is vital because organizational tolerance of sexual harassment leads to pessimism around sexual harassment trainings. In such workplaces, employees “doubt the viability of any change surrounding sexual harassment when their organization tolerates harassment” (Walsh et al., 2013, p. 220). In order to effectively demonstrate their support, organizations need to have a solid culture where leaders regularly show that they are intolerant of harassing behaviors and are willing to demonstrate shared values (Treviño et al., 1999).

**Empathy and Sexual Harassment Myth Acceptance.** Employees who hold sexual harassment myths are less likely to be motivated to learn about sexual harassment despite being the people who could benefit most from such training (Walsh et al., 2013). Sexual harassment myth acceptance interacts with training effectiveness because it is likely to lead to pessimism about whether training will work, thereby decreasing the motivation to learn. Individuals who attribute harassment to the victim are less likely to see the need for training or believe that such methods would be effective in combatting harassment. One implication of this finding is that motivation to learn might be increased by refuting sexual harassment myths early in a training program, accompanied by literature that contradicts the myths. Without this step, low motivation to learn may be an impediment to training individuals about sexual harassment resulting in fewer attitudinal and behavioral changes (Walsh et al., 2013).

In order to combat sexual harassment myths during training, such training should include information about the harmful impacts of sexual harassment on targets. Empathy is a key component in changing attitudes and behaviors toward out-group members (Finlay and Stephan, 2000; Stephan

and Finlay, 1999). Empathy has been associated with prosocial behaviors and perspective taking (Stephan & Finlay, 1999). In contrast, studies have found that a lack of empathy is correlated with sexual aggression in samples of men (Lisak and Ivan, 1995).

Previous literature suggests that understanding the consequences experienced by a rape victim results in lower acceptance of rape myths. Similarly, increased empathy with rape victims is negatively correlated with sexual aggression. Studies also suggest that the same is true of sexual harassment in that learning of consequences reduces SHMA and men's proclivity to sexually harass (Diehl et al., 2014). One example of a practical application is that if vignettes are used in sexual harassment training, they should be from the victim's perspective (vs. from the perpetrator's perspective or a neutral text). This increases perspective taking, which is related to empathy and decreases in sexual harassment myth acceptance.

## **2 THE FINDINGS IN ILLINOIS**

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### **2.1 PUBLIC OPINION POLLING**

In order to gain a more comprehensive understanding of how Illinois residents view sexual harassment, the Simon Institute conducted statewide polling on the issue. The sample included 1,001 voters with a margin of error of plus or minus 3.1 percentage points. For subsamples, the margin of error increases as the sample size goes down. The entire poll and results can be accessed online through the Paul Simon Public Policy Institute's website, [www.paulsimoninstitute.org](http://www.paulsimoninstitute.org). Live telephone interviews were conducted by Customer Research International of San Marcos, Texas using the random digit dialing method.

The Simon Poll™ was in the field Monday, September 24, 2018 to Saturday, September 29, 2018. Polling coincided with the hearings for Supreme Court nominee Brett Kavanaugh which began Thursday, September 27<sup>th</sup>. The hearings addressed allegations of sexual misconduct against

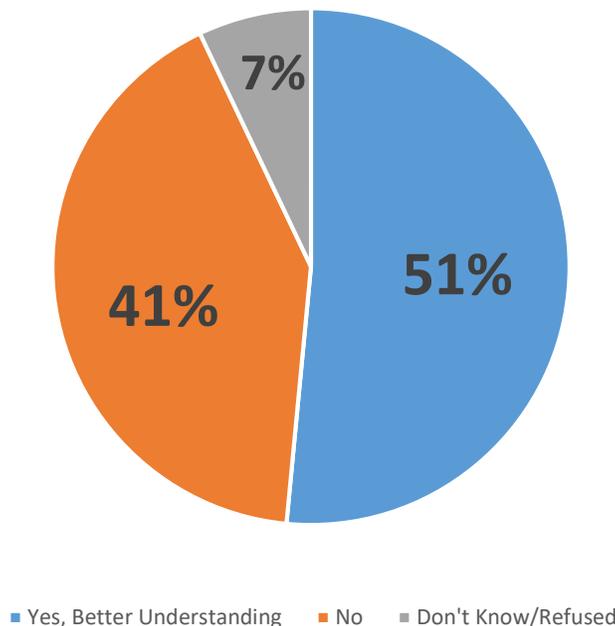
Kavanaugh. The poll being in the field during the week of the hearing made it an especially timely look at this national issue.

## 2.2 BETTER UNDERSTANDING OF SEXUAL HARASSMENT

Respondents were asked whether they believed people now had a better understanding of sexual harassment than in previous years. Fifty-one percent of voters surveyed agreed that people have a better understanding of sexual harassment given recent allegations of harassment in the news (Table 1). One in 14 voters, 7 percent, did not know or declined to answer. Forty-one percent disagreed that people understand sexual harassment more clearly.

*Table 1*

<b>Response</b>	<b>Percent (n=1001)</b>
Yes, Better Understanding	51%
No	41%
Don't Know	5%
No Answer	2%

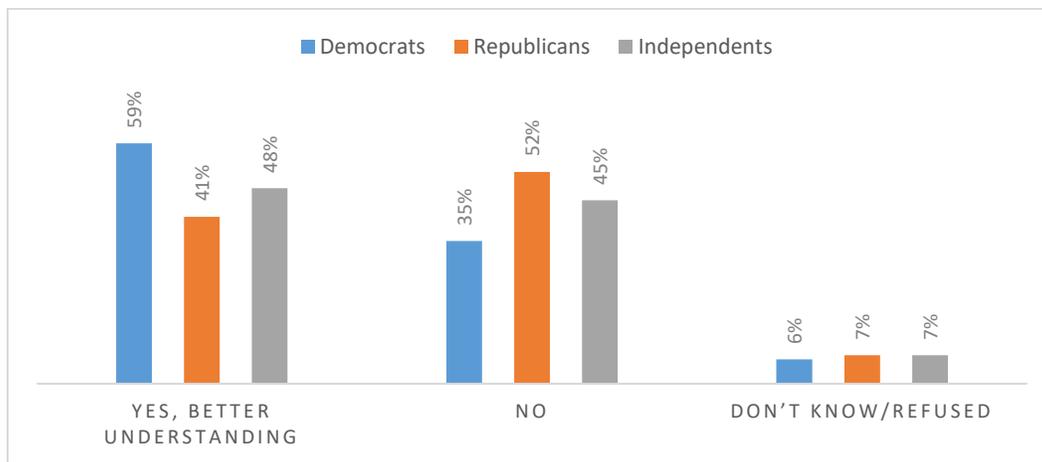


*Figure 1: Given the recent allegations of sexual harassment in the news these days, do you think people have a better understanding of sexual harassment, or not? Values are rounded and may not sum to 100%.*

Although there were no significant differences across region, education, or gender, differences did emerge by political party. Democrats at 59 percent were the most likely to endorse the proposition that people do have a better understanding of sexual harassment. In contrast, Republicans were the least likely to agree that people have a better understanding of sexual harassment at 41 percent (Table 2). The opposite partisan pattern emerged with 52 percent of Republicans responding that people do not have a better understanding in contrast to only 35 percent of Democrats. Independents were found between the two partisan groups at 48% who said people have a better understanding and 45% who disagreed.

**Table 2**  
**Democrats    Republicans    Independents**

	Democrats	Republicans	Independents
Yes, Better Understanding	59%	41%	48%
No	35%	52%	45%
Don't Know	5%	4%	6%
No Answer	1%	3%	1%



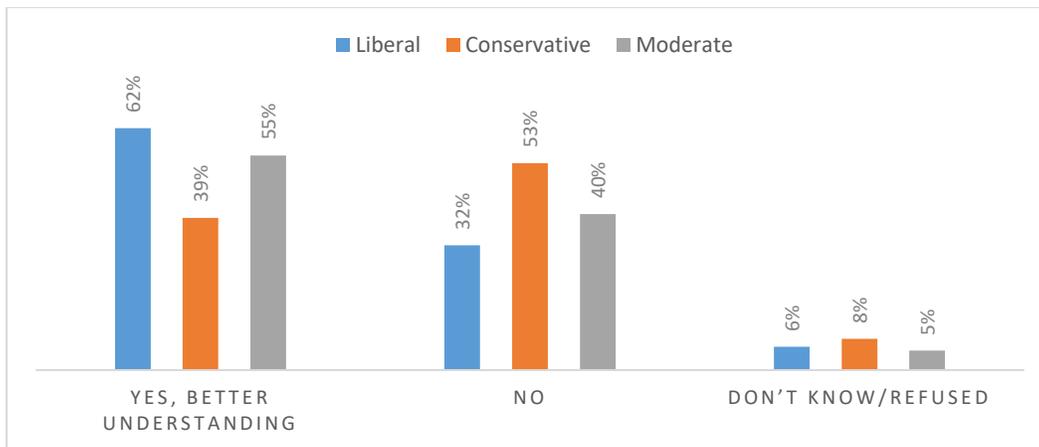
*Figure 2: Better Understanding by Political Party*

The results when examined by political ideology revealed a similar trend. Sixty-two percent of liberal voters endorsed the position that people have a better understanding of sexual harassment. This is compared to 55 percent of moderates and only 39 percent of conservatives (Table 3). Conservatives

were most likely to claim that people do not have a better understanding at 53 percent, followed by 40 percent of moderates and 32 percent of liberals.

*Table 3*

	<b>Liberal</b>	<b>Conservative</b>	<b>Moderate</b>
Yes, Better Understanding	62%	39%	55%
No	32%	53%	40%
Don't Know	5%	6%	5%
No Answer	1%	2%	0%

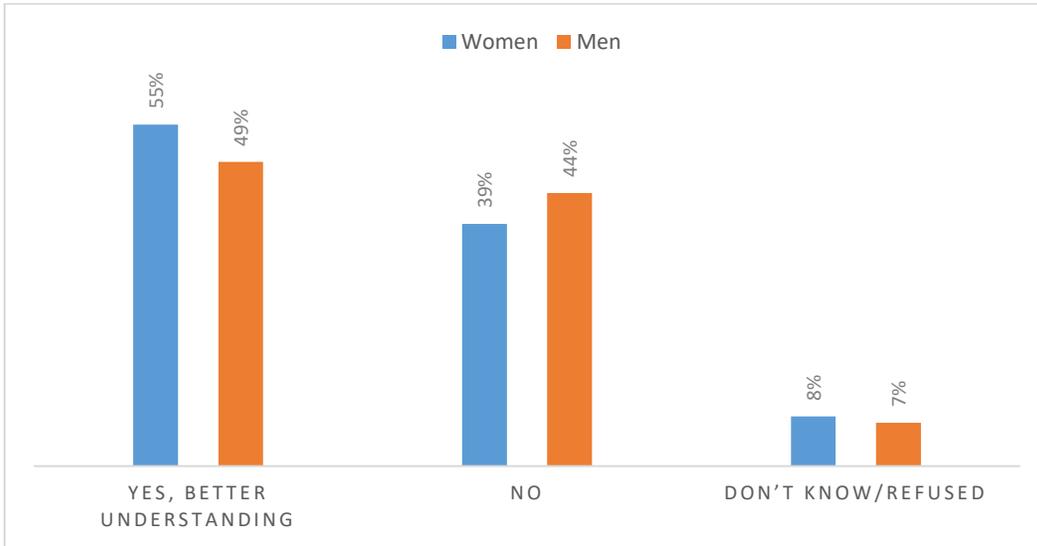


*Figure 3: Better understanding by political ideology*

When the results were analyzed by gender, women were slightly more likely to agree that people now have a better understanding of sexual harassment at 55% (Table 4). Men agreed with this position at 49%. Men were slightly more likely to respond that people do not have a better understanding at 44% followed closely by women at 39%.

*Table 4*

	<b>Women</b>	<b>Men</b>
Yes, Better Understanding	55%	49%
No	39%	44%
Don't Know	6%	5%
No Answer	2%	2%



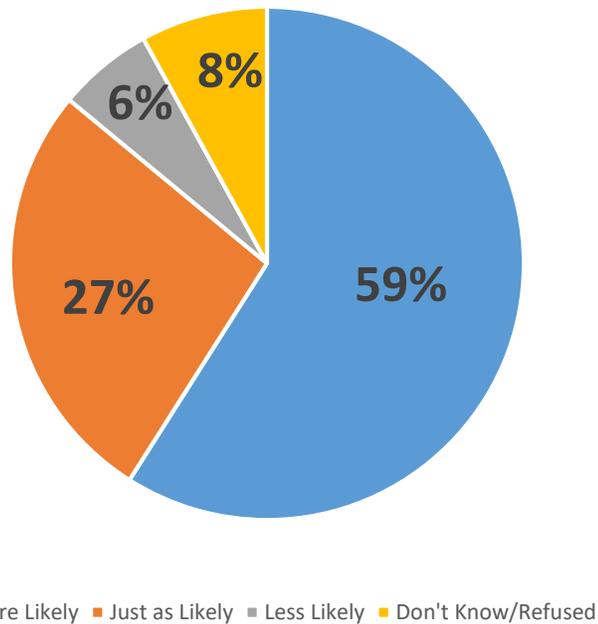
*Figure 4: Better Understanding by Gender*

### 2.3 MORE LIKELY TO BE HELD ACCOUNTABLE

When asked if people were more likely to be held accountable now for sexual harassment than they were before, a total of 86 percent of voters reported that people were more likely or just as likely to be held accountable (Table 5). One in 16, 8 percent, did not know or declined to answer. Six percent reported that individuals are less likely to be held accountable for sexual harassment than they were before.

*Table 5*

<b>Response</b>	<b>Percent (n=1001)</b>
More likely	59%
Just as likely	27%
Less likely	6%
Don't know	5%
No Answer	3%

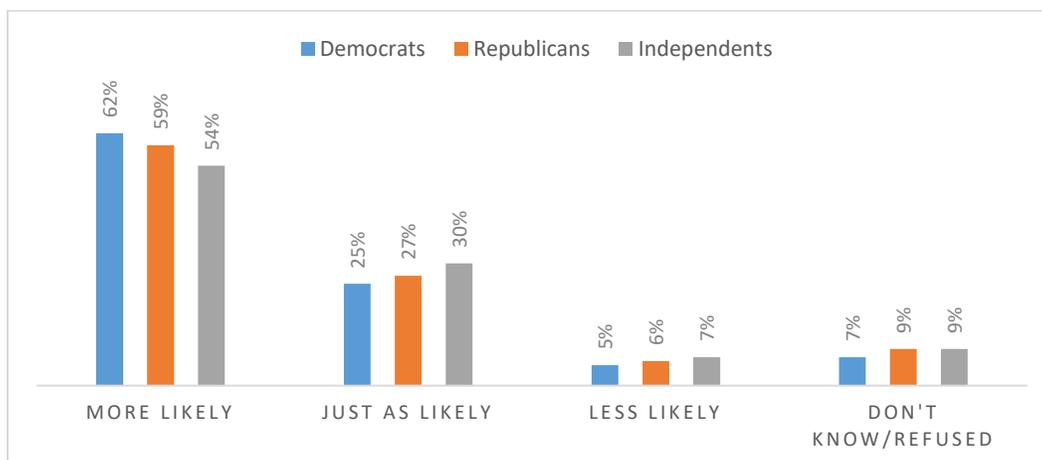


**Figure 5:** Given the recent allegations of sexual harassment in the news these days, do you think people are more likely to be held accountable for sexual harassment, or do you think people are just as likely to be held accountable as they were before?

Democrats, Republicans, and Independents reported similar views regarding accountability for sexual harassment. Sixty-two percent of Democrats agreed that people are more likely to be held accountable (Table 6). This was followed by 59% of Republicans and 54% of Independents. Independents were slightly more likely to agree with the position that people are just as likely to be held accountable (30%) compared with 27% of Republicans and 26% of Democrats. Independents voters claimed that people were less likely to be held accountable at 7%, with Republican voters following closely with 6%, and Democrats with 5%.

**Table 6**

	<b>Democrats</b>	<b>Republicans</b>	<b>Independents</b>
More likely	62%	59%	54%
Just as likely	26%	27%	30%
Less likely	5%	6%	7%
Don't know	5%	6%	7%
No Answer	2%	3%	2%

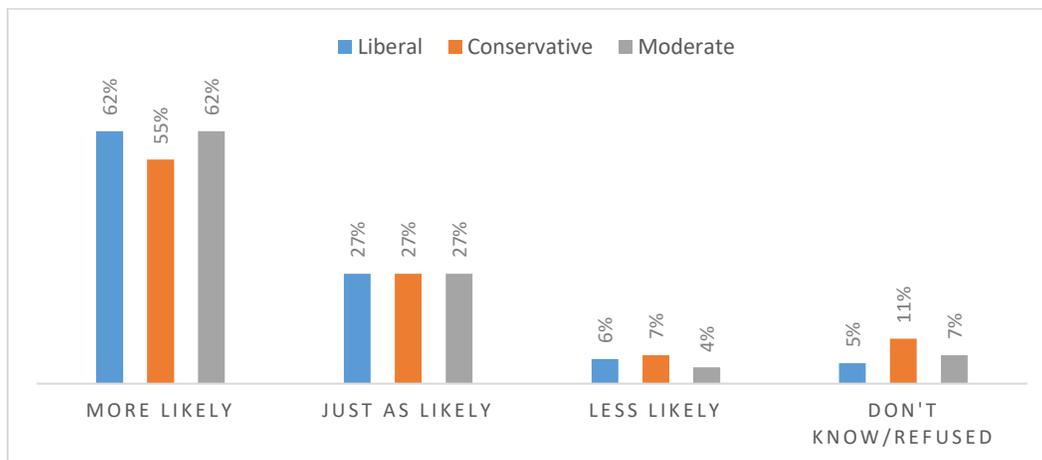


**Figure 6: Held Accountable by Political Party**

The responses by political ideology closely aligned with responses by political party. Sixty-two percent of liberal and moderate voters reported that people are more likely to be held accountable for sexual harassment (Table 7). This was followed by 55% of conservative voters. Across all political ideologies, 27% of voters agreed that individuals are just as likely to be held accountable. Seven percent of conservatives reported that people are less likely to be held accountable, followed by 6% of liberal voters and 4% of moderate voters.

**Table 7**

	<b>Liberal</b>	<b>Conservative</b>	<b>Moderate</b>
More likely	62%	55%	62%
Just as likely	27%	27%	27%
Less likely	6%	7%	4%
Don't know	4%	7%	5%
No Answer	1%	4%	2%

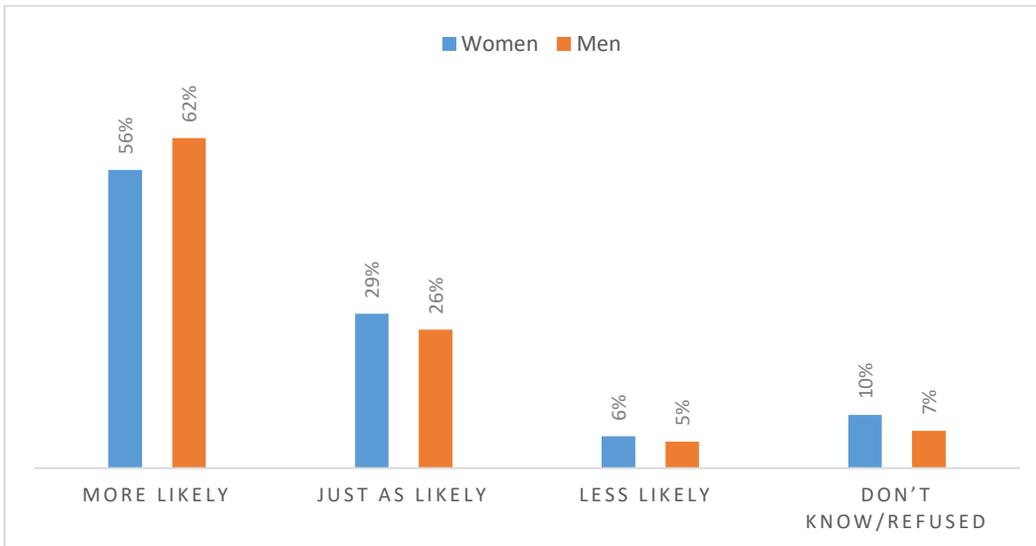


**Figure 7: Held Accountable by Ideology**

Much like political party and ideology, men and women also tended to have similar views about accountability for sexual harassment. Sixty-two percent of men reported that people are more likely to be held accountable which was comparable to the 56% of women who said the same (Table 8). Men and women reported that people are just as likely to be held accountable at 26% and 29% respectively.

**Table 8**

	<b>Women</b>	<b>Men</b>
More likely	56%	62%
Just as likely	29%	26%
Less likely	6%	5%
Don't know	6%	5%
No Answer	4%	2%



*Figure 8: Held Accountable by Gender*

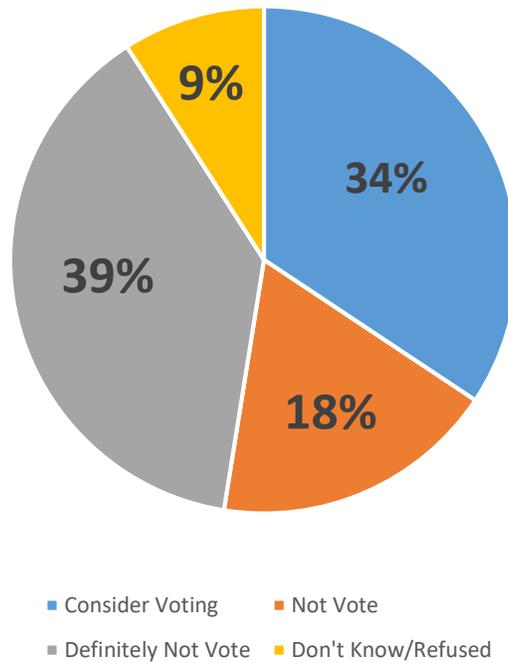
Overall, the results suggest that awareness of sexual harassment as a problem has increased because of the attention high profile cases have received recently. However, there are still partisan and ideological differences in these views.

## 2.4 CONSIDER VOTING FOR ACCUSED CANDIDATES

Overall, 34 percent of respondents reported that they would consider voting for a candidate accused of sexual harassment by multiple people (Table 9). A total of 56% said they would not vote or definitely not vote for such a candidate. Significant differences emerged across region, gender, and political party.

*Table 9*

<b>Response</b>	<b>Percent (n=1001)</b>
Consider voting	34%
Strongly consider	12%
Somewhat consider	22%
Not vote	18%
Definitely not vote	38%
Don't Know	5%
No Answer	4%

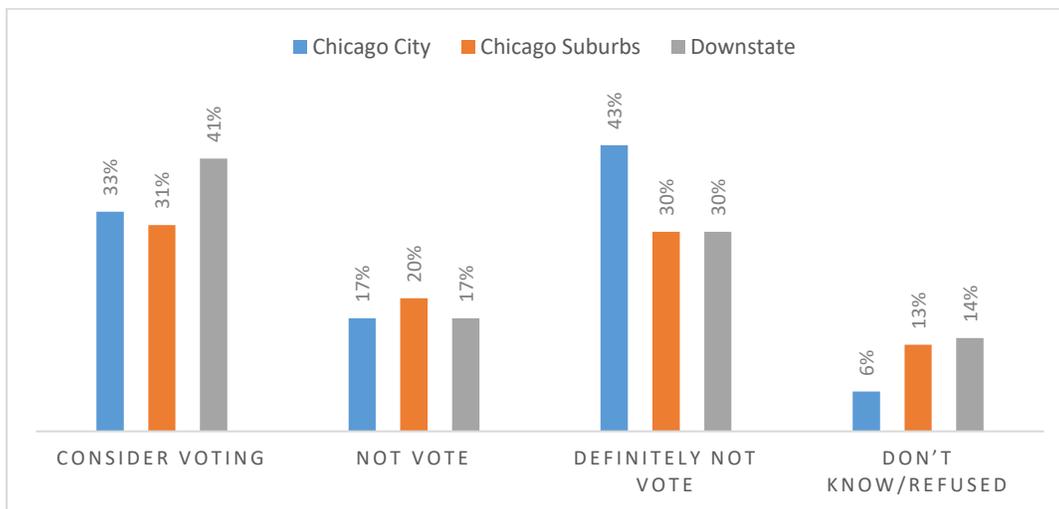


*Figure 9: Consider voting for a person accused of sexual harassment*

Fifty-nine percent of downstate voters were more likely to consider or strongly consider voting for a political candidate with multiple allegations of sexual harassment (Table 10). Sixty percent of voters in the city of Chicago and 50% of voters in the Chicago suburbs reported at similar rates that they would not vote or definitely not vote for a candidate accused of sexual harassment by multiple people. As is true nationally, where one lives in Illinois is clearly and consistently a reliable indicator of what your political views are (Bishop, 2009; Cramer, 2016)

**Table 10**

	<b>Chicago City</b>	<b>Chicago Suburbs</b>	<b>Downstate</b>
Consider voting	33%	31%	41%
Strongly consider	10%	9%	18%
Somewhat consider	23%	22%	23%
Not vote	17%	20%	17%
Definitely not vote	43%	30%	30%
Don't Know	5%	7%	7%
No Answer	1%	6%	7%

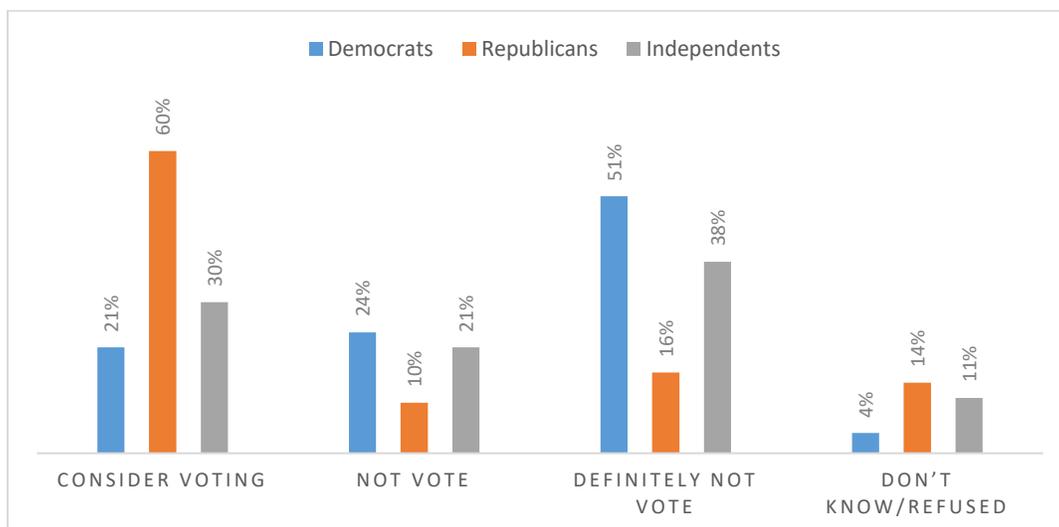


**Figure 10:** Consider voting for a person accused of sexual harassment by region

Among Republicans, Democrats and Independents, Republicans were most likely to report that they would consider voting for a political candidate accused of sexual harassment by multiple people if they agreed with the candidate on the issues at 60 percent (Table 11). This compares to 30% of Independents and only 21% of Democrats who took the same position. Seventy-five percent of Democrats said they would not or definitely would not vote for such a candidate and 59% of Independents took this position.

**Table 11**

	<b>Democrats</b>	<b>Republicans</b>	<b>Independents</b>
Consider voting	21%	60%	30%
Strongly consider	5%	24%	8%
Somewhat consider	16%	36%	22%
Not vote	24%	10%	21%
Definitely not vote	51%	16%	38%
Don't Know	3%	8%	6%
No Answer	1%	6%	5%

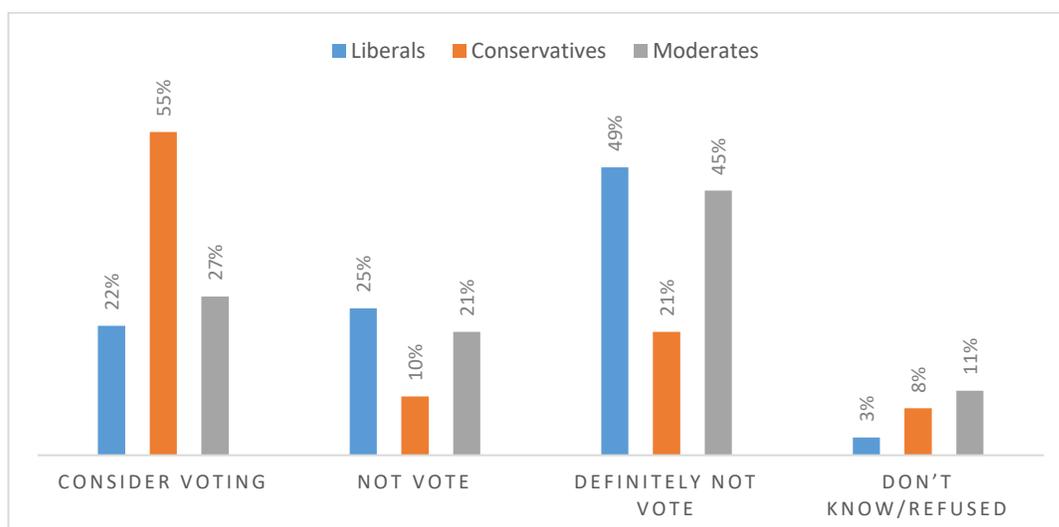


*Figure 11: Consider voting for a person accused of sexual harassment by political party*

When looking at the results by political ideology, Liberal voters were the least likely to consider voting for accused candidates at 22 percent (Table 12). This was followed by 27 percent of moderates and 55 percent of conservatives. Conservatives were the most likely to strongly consider voting for a candidate accused of sexual harassment with 24 percent of conservatives claiming that they would do so compared to 4 percent of liberals and 6 percent of moderates. The opposite pattern emerged when voters were asked if they would definitely not vote for an accused candidate. Here, 21 percent of conservatives indicated that they would definitely not vote for such a candidate followed by 45 percent of moderates and 49 percent of liberals.

*Table 12*

	<b>Liberal</b>	<b>Conservative</b>	<b>Moderate</b>
Consider voting	22%	55%	27%
Strongly consider	4%	24%	6%
Somewhat consider	17%	31%	20%
Not vote	25%	10%	21%
Definitely not vote	49%	21%	45%
Don't Know	3%	8%	5%
No Answer	1%	6%	2%

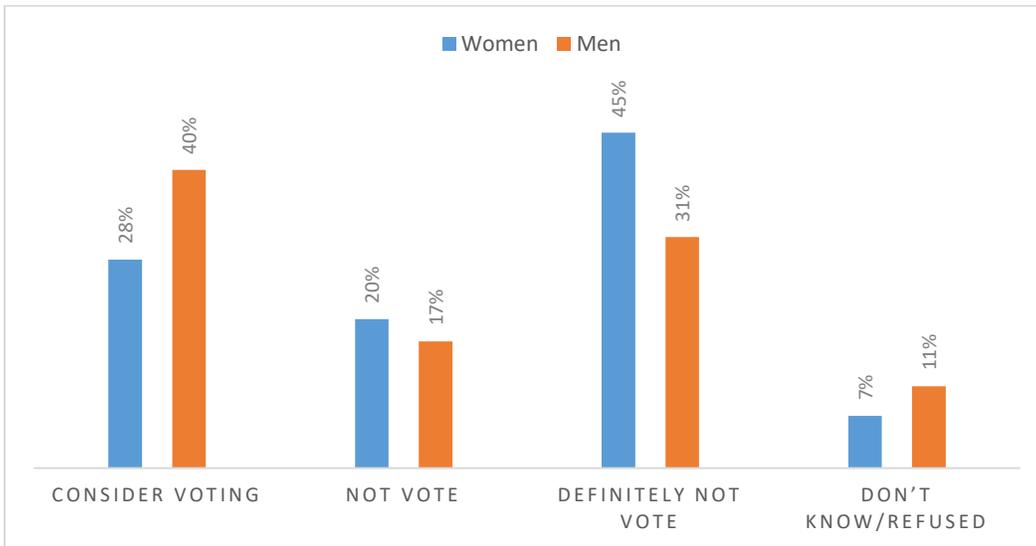


**Figure 12:** Consider voting for a person accused of sexual harassment by ideology

The fact that the poll was in the field during the Kavanaugh hearings provides valuable insight into how the public perceived sexual harassment at that time. Our polling shows that there are partisan differences in how sexual harassment impacts voting behavior. Republicans and conservatives are more likely to consider voting for candidates accused by multiple people of sexual harassment. Downstate voters are also more likely to consider voting for accused candidates, which makes sense because there tend to be more Republicans in these areas. Overall, our results appear consistent with the party differences observed during the Kavanaugh hearings

**Table 13**

	<b>Women</b>	<b>Men</b>
Consider voting	28%	40%
Strongly consider	9%	15%
Somewhat consider	19%	26%
Not vote	20%	17%
Definitely not vote	45%	31%
Don't Know	4%	7%
No Answer	3%	4%



**Figure 13:** Consider voting for a person accused of sexual harassment by gender

This question revealed a clear gender gap (Figure 13). Forty percent of men reported that they would consider voting for a candidate that multiple people accused of sexual harassment compared to 28 percent of women. Men were also more likely to report that they would strongly consider voting for an accused candidate. Forty-five percent of women and 31% of men said they definitely would not vote for an accused candidate.

## 2.5 COMPARISON TO A NATIONAL SAMPLE

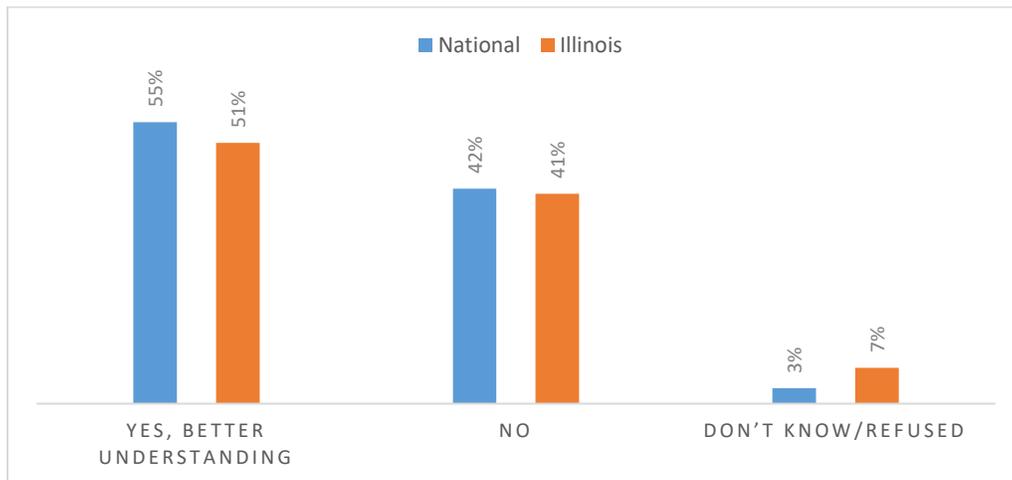
Illinois is generally considered to be a bellwether state. One study of U.S. Census data found it to be the most typical state (Ohlemacher, 2007). Politically, Illinois is generally regarded as a blue state in presidential elections, although Republicans can and do win state wide elections occasionally and they dominate in the downstate region. For all these reasons, it is useful to compare Illinois with national results on the same questions.

These questions were taken from the Quinnipiac University Poll that was in the field November 15-20, 2017. Quinnipiac University surveyed 1,415 voters nationwide with a margin of error of +/- 3.1 percentage points, including the design effect. The Quinnipiac Poll was conducted nationally just as the #MeToo movement first gained momentum. The Simon Poll captured Illinois voters during the

Kavanaugh hearings on sexual harassment. Both polls provide a valuable perspective on how Illinoisans' views on sexual harassment compare to the rest of the nation. In many areas, results for the state of Illinois mirror the results of the national sample. The bar graphs offer comparisons between the 2017 national Quinnipiac Poll and Illinois state data nearly a year later.

## BETTER UNDERSTANDING

Quinnipiac reported that 55 percent of respondents indicate that people have a better understanding of sexual harassment, 62 percent agree that people are more likely to be held accountable, and 27 percent report that they would consider voting for someone accused of sexual harassment. These numbers closely resemble findings in Illinois which is interesting considering the time gap in when polling took place. This may indicate a plateau over time in views regarding sexual harassment after the conversation began nationally in late 2017.



**Figure 14:** Given the recent allegations of sexual harassment in the news these days, do you think people have a better understanding of sexual harassment, or not?  
Response options differed slightly so Illinois data may not sum to 100.

When examined by political party, Illinoisans were somewhat less likely to claim that people have a better understanding of sexual harassment than their national counterparts regardless of political party (Figure 14). Overall, Democrats were the most likely to report that the public has a better

understanding of sexual harassment, followed by Independents, and then Republicans (Figure 15). This partisan difference held true for both Illinois and national voters.

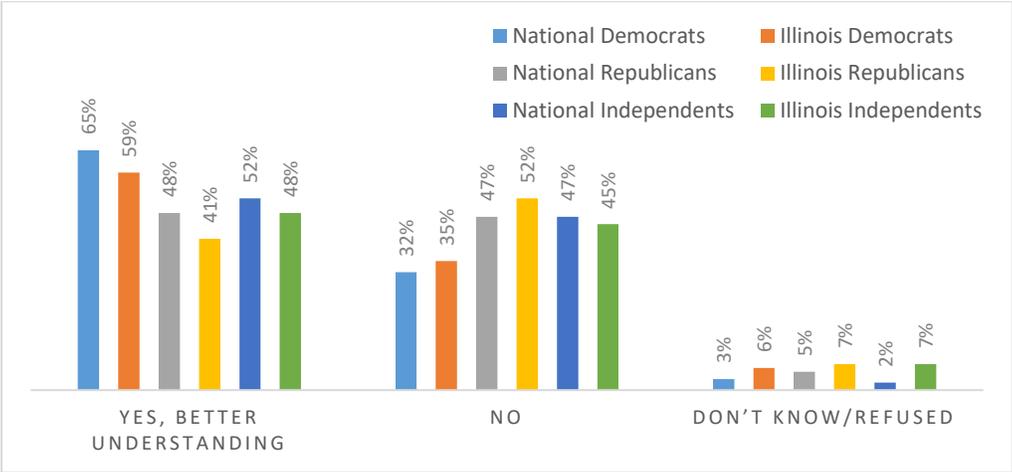


Figure 15: Better Understanding by Political Party

Minimal differences emerged by gender with Illinois men and women responding nearly identically to voters in the national sample (Figure 16). Differences that did emerge were in the same direction of Illinois voters being less convinced that the understanding of sexual harassment had changed compared to national voters.

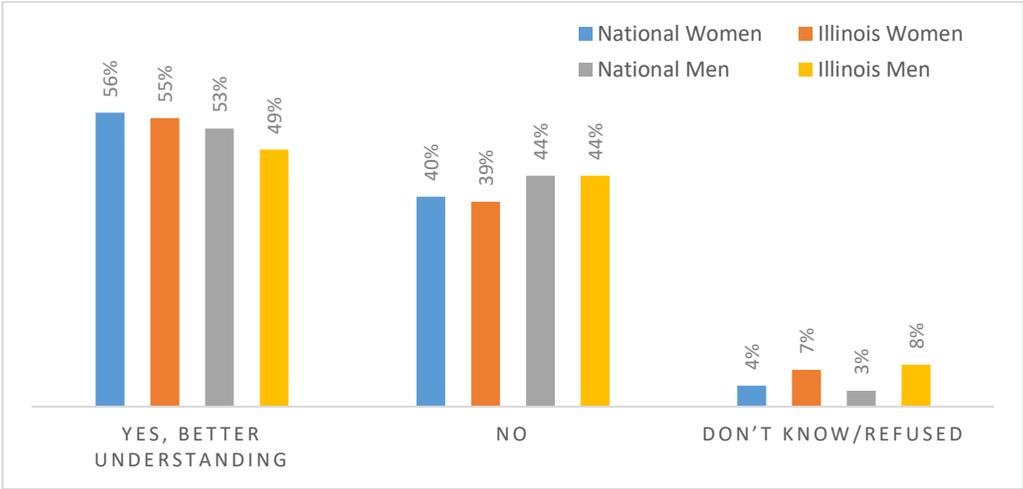
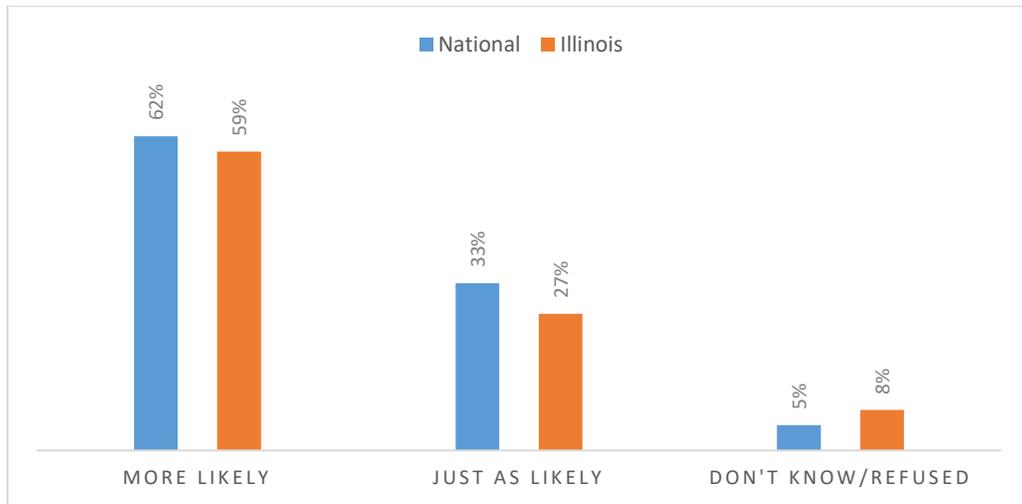


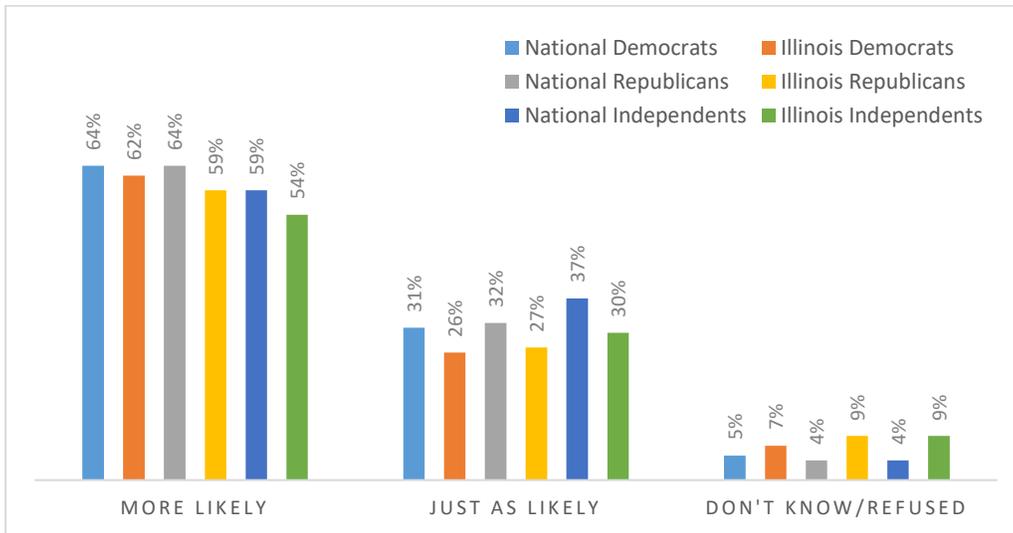
Figure 16: Better Understanding by Gender

## MORE LIKELY TO BE HELD ACCOUNTABLE

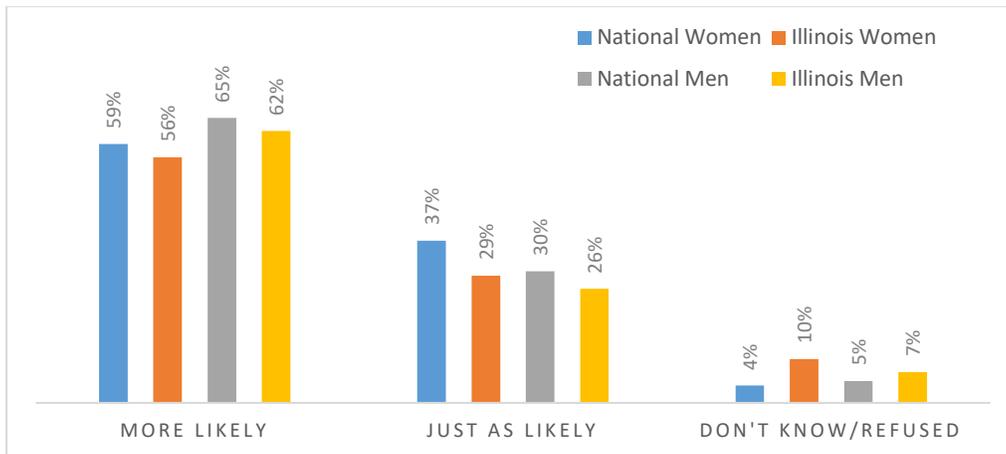
Overall, Illinoisans report views similar to national voters when asked if people were more likely to be held accountable for engaging in harassing behavior (Figure 17). This pattern holds true for the general sample as well as across political party (Figure 18) and gender (Figure 19). It is interesting that the polls, conducted one year apart, show such close results. Over the course of 2018, #MeToo expanded, revealing more sexual harassment allegations and claims. One interpretation of these results is that despite more widespread conversation about sexual harassment, the perception of accountability for those accused of engaging in harassing behaviors has not shifted much over time. The difference which did emerge showed that Illinois voters were more skeptical than national voters about believing that people are likely to be held accountable.



**Figure 17:** Given the recent allegations of sexual harassment in the news these days, do you think people are more likely to be held accountable for sexual harassment, or do you think people are just as likely to be held accountable as they were before?



*Figure 18: More Accountable by Political Party*

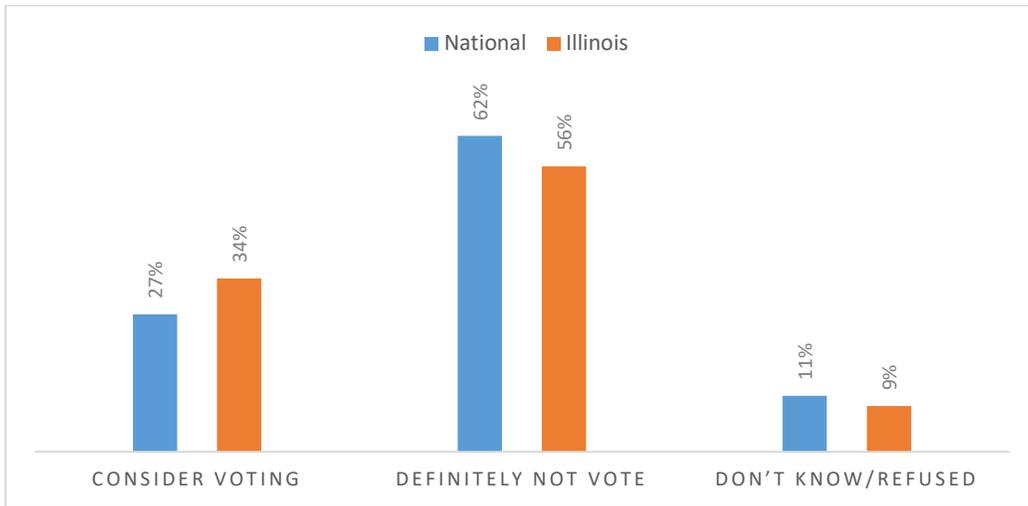


*Figure 19: More Accountable by Gender*

## CONSIDER VOTING FOR ACCUSED CANDIDATES

Taken as a whole, sexual harassment allegations appear to have more impact on the voting behavior of national voters than Illinois voters. Illinoisans were slightly more lenient than national voters in their voting preferences for accused candidates. Thirty-four percent of Illinois voters agreed that they would consider voting for a candidate that multiple people had accused of sexual harassment as long as they agreed with that candidate on the issues (Figure 20). This is compared to only 27 percent of voters in the national sample. The same trend emerged with 56 percent of Illinois voters

choosing the option that they would definitely not vote for a candidate accused of sexual harassment which 62 percent of voters nationally.

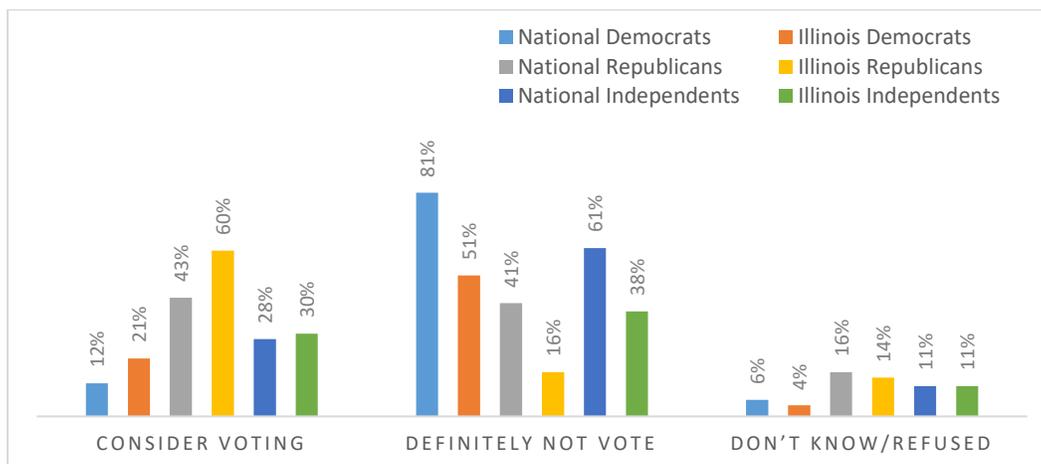


**Figure 20:** *If a political candidate has been accused of sexual harassment by multiple people, would you still consider voting for them if you agreed with them on the issues, or would you definitely not vote for them?*  
*Original question from Quinnipiac Poll reads, “If a political candidate has been accused of sexual harassment by multiple women, would you still consider voting for them if you agreed with them on the issues, or would you definitely not vote for them?”*

Looking at the results by political party, Illinois voters tended to be more lenient than national voters when considering voting for candidates accused of sexual harassment regardless of political party. Twenty-one percent of Illinois Democrats reported that they would consider voting for an accused candidate whereas only 12 percent of Democrats nationally endorsed the same. 60 percent of Illinois Republicans reported that they would consider voting for an accused candidate, compared to 43 percent of Republicans in the national sample. Independents in Illinois and around the nation responded similarly to this question with their responses differing by only two percentage points (i.e. 30 percent vs. 28 percent).

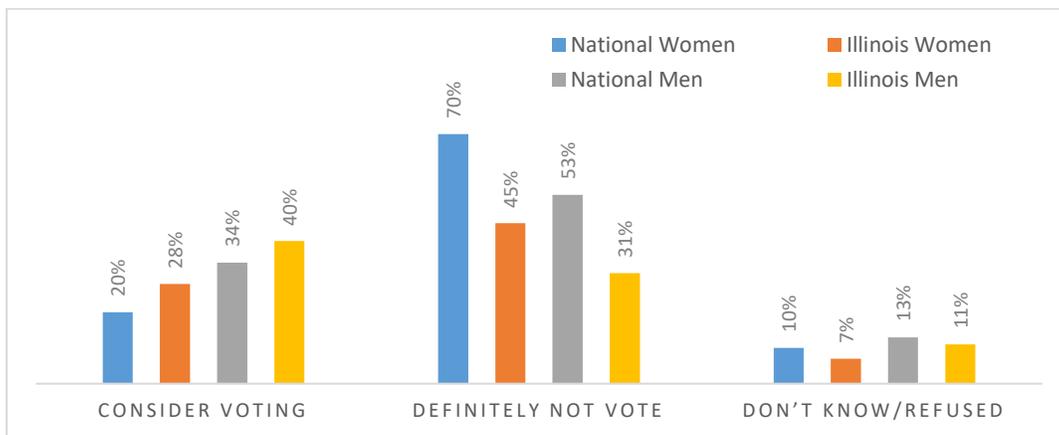
Overall, Illinois voters were less likely to refuse voting for an accused candidate that they agreed with on the issues regardless of political party (Figure 21). National Democrats were the most likely to report that they would definitely not vote for a candidate accused of sexual harassment. 81 percent of Democratic voters in the national sample reported that they would definitely not vote for an

accused candidate, compared to only 51 percent of Illinois Democrats. Forty-one percent of Republicans nationally reported that they would definitely not vote for an accused candidate compared to 16 percent of Illinois Republicans. Independents showed the same trend with 61 percent of Independents nationally and 38 percent of Illinois Independents.



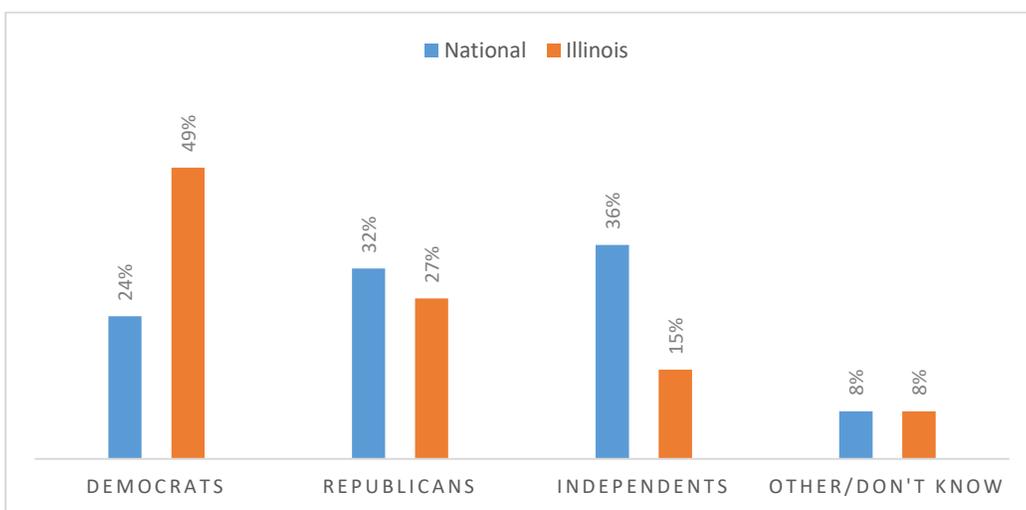
*Figure 21: Consider Voting by Political Party*

Regarding gender, Illinois voters were again more lenient in their voting preferences than voters around the country. Illinois men and women were more likely than their national counterparts to consider voting for a candidate accused by multiple people of sexual harassment (Figure 22). Overall, men in both samples were still more likely to consider voting for an accused candidate than women were. Men were also less likely to completely rule out voting for a candidate accused of sexual harassment. Women in the national sample were the least likely (20 percent) to consider voting for a candidate facing sexual harassment allegations. Women in the national sample were also the most likely to say that they would definitely not vote for a candidate facing harassment allegations at 70 percent. This is in contrast to men in Illinois who were the most likely to vote for an accused candidate. Of Illinois men, 40 percent reported that they would consider voting for a candidate facing multiple allegations of sexual harassment. Illinois men were also the least likely to indicate that they would definitely not vote for an accused candidate at 31 percent.



**Figure 22:** Consider voting by gender

Comparing the responses of Illinois voters to voters across the country reveals interesting information about how sexual harassment is understood throughout the state. Taken as a whole, there were few large differences in how Illinois and national voters viewed the likelihood of someone being held accountable for sexual harassment. Illinois voters were more likely than national voters to consider voting for a candidate facing sexual harassment allegations regardless of gender and political party (Figure 23). The emergence of this trend is especially interesting since the Illinois sample had more self-identified Democrats than the national sample, and Democrats were overall less likely to vote for accused candidates.



**Figure 23:** Party Identification in National Sample vs. Illinois Sample

One possible explanation is how independent voters were identified in both samples. For both polls, party identification was determined using the question, “Generally speaking, do you consider yourself a Republican, Democrat, an Independent, or what?” In the Illinois sample, independent voters who leaned Democratic or Republican were included in the party that they most closely identified with rather than with the independents. This is because independent voters that lean toward a particular party tend to behave very similarly to weak identifiers with that party.

The Illinois sample included 49% Democrats of which 14% were Independents who leaned Democrat. The Illinois sample was 27% Republican with 11% of those being Independents who leaned Republican. Lastly, 15% of the Illinois sample identified themselves as purely Independents. In the Quinnipiac Poll, 32% of voters identified as Democrats, 24% as Republican, and 36% as Independent. In the national sample, no information is provided concerning how Independent voters who lean toward one party or the other were treated. However, it appears from the frequency distributions provided that these voters were counted as Independents, rather than with the party that they lean toward. This provides some context for why the national sample has significantly more Independent voters than the sample in Illinois (e.g. 36% vs. 15%).

When the Independent voters who lean Democrat or Republican are collapsed into the Independent voter category, it brings the percentage of Independent voters in the Illinois sample to 40%. This percentage more closely approximates the proportion of Independent voters found in the national sample. The difference in how Independent voters were counted may indicate that the national sample included a higher percentage of Democratic leaning voters which may account for the differences in voting projections when compared to Illinois.

Despite poll results indicating that some Illinois voters would still consider voting for candidates accused of sexual harassment, the Illinois legislature should bolster its efforts to address the issue. Curbing sexual harassment within Illinois politics and government will require motivated action

within the state legislature. The Illinois General Assembly has already taken steps to combat sexual harassment among its members.

### **3 ADDRESSING SEXUAL HARRASMENT IN ILLINOIS**

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Unfortunately, Illinois has faced its own problems with sexual harassment. In October of 2017, victims' rights advocate Denise Rotheimer accused State Senator Ira Silverstein of sexual harassment. The allegations against a powerful state senator revealed major flaws in how Illinois was handling harassments complaints against lawmakers. Rotheimer reported that she had filed a complaint one year earlier with no response. This is because the office of the Inspector General was not filled and had no acting inspector for three years. Legislators hastily appointed former assistant U.S. attorney, Julie Porter, as the Acting Inspector to handle the 27 ethics complaints (including Rotheimer's) that had not been addressed while the office was empty. The newly appointed Legislative Inspector General Porter concluded that although Silverstein's behavior was not unlawful and did not constitute sexual harassment, it was nonetheless unsuitable for a lawmaker. Silverstein later lost his bid for re-election.

House Speaker Michael Madigan next came under fire for not doing enough to address sexual harassment in state government, specifically within his own organization. In February 2018, one of Madigan's top aides, Kevin Quinn, was dismissed after Alaina Hampton accused him of sending aggressive and inappropriate text messages to her while she was working on Democratic House campaigns. Following this incident, staffers accused longtime lobbyist and top campaign worker for Madigan, Shaw Decremer, of abusive behavior and he too was removed from his position (Geiger, Long and Garcia, 2018).

In May of 2018, deputy majority leader to House Speaker Madigan, Rep. Lou Lang, faced accusations of sexual harassment and verbal abuse by legislative activist Maryann Loncar. Despite denying the claims, Lang resigned from his leadership position a mere 24 hours following the launch

of those accusations (Sfondeles, 2018a). Lang was later cleared of sexual harassment allegations after Acting Inspector Julie Porter concluded that there was not enough proof that the former House leader sexually harassed the advocate (who did not cooperate with the investigation) (Sfondeles, 2018b).

The highest ranking official in Madigan's organization to face consequences from the #MeToo movement was Madigan's chief of staff, Timothy Mapes, who was accused of harassment and bullying initiated by Sherri Garrett, one of Madigan's aides. Mapes was fired in June 2018 from his position as chief of staff, clerk of the House, and executive director of the Democratic Party of Illinois. However, Mapes' firing came after women working in the speaker's office reporting numerous encounters with inappropriate behavior regarding him dating back to 2013. Mapes was accused of making inappropriate comments to female employees, but also of refusing to address concerns about harassment that were reported to him ("Madigan Chief of Staff," 2018).

In response to criticism that Madigan had done little to address sexual harassment in the statehouse and had covered up harassment by his top aides, the speaker released a statement in September of 2018. In his statement, Madigan applauded women who have come forward nationwide. He also admitted past mistakes of not fully addressing harassment sooner saying that he wished he would have taken action sooner. Madigan's statement makes a commitment to enacting change in order to make sure that sexual harassment within his office is no longer tolerated (Madigan, 2018).

### **3.1 ILLINOIS LEGISLATION**

In response to the #MeToo movement hit Springfield, The Illinois General Assembly took immediate action to address sexual harassment claims within the public and private sector in Illinois. Legislation targeting sexual harassment in the state of Illinois clearly increased in the wake of allegations of sexual harassment emerged in Illinois politics. Much of the action surrounding sexual harassment in the state over the last year has been the result of the efforts from the Sexual Harassment Task Force. The Task Force, co-chaired by Democratic Senator Melinda Bush and Republican Senator

Jil Tracy, completed a one-year intensive study of sexual harassment issues throughout the state. One of the key areas was sexual harassment within state government.

According to the National Conference on State Legislatures, Illinois was the first state to pass legislation on sexual harassment in state government. One of the first laws to pass was Public Act 100-0554 in November of 2017. This law amended the State Officials and Employee Ethics Act to make sexual harassment an ethics violation while outlining penalties for engaging in such behavior. The law also stipulated that state and local government policies should clearly prohibit sexual harassment, provide reporting options, and detail consequences. The law requires that each state officer, state employee, and lobbyist complete a sexual harassment training annually. The law also established a sexual harassment hotline for anonymous reporting in both the public and private sector. One key piece of this legislation was that it amended the process for investigating sexual harassment claims. Through this law, the Secretary of State's Inspector General was given power to investigate complaints of sexual harassment by those registered under the Lobbyist Registration Act. As was noted above, Julie Porter was appointed the interim Inspector General to address backlogged cases after a wave of harassment allegations emerged in Springfield. Porter acted in this capacity until March 1, 2019 when she was replaced by former prosecutor and circuit judge Carol Pope ("New Legislative Inspector," 2018).

June 2018 saw more legislation pass to improve the investigation process. Public Act 100-0558 extended the statute of limitations for sexual harassment complaints from 180 to 300 days. The law also outlined the process to find a new Legislative Inspector General to be approved by the General Assembly. Prior to Julie Porter's interim appointment, the office of the Legislative Inspector General was vacant for three years ("Julie Porter Appointed," 2017). Public Act 100-0558 requires that within 45 days of a vacancy, the Legislative Ethics Commission will designate an Acting Inspector General.

Several more laws were passed in August of 2018. Public Act 100-0748 prohibits public funds (e.g. pay and allowances for members of the general assembly) to be used for a payout for sexual harassment claims against a legislator. Later that month, Public Act 100-1040 was passed stipulating that local governments, school districts, and any taxing body must provide notice to the public (e.g. internet website, newspaper) if they enter into a severance agreement with an employee or contractor accused of sexual harassment. This public notice must include the name of the person receiving payment, the amount of the payment, and the fact that the individual was accused of sexual harassment or sexual discrimination. Public Act 100-0895 created the Government Severance Pay Act, which prevents severance pay for employees who have been fired for misconduct including sexual harassment. Lastly, Public Act 100-0684 required that sex education materials for grades six – twelve include material about sexual consent and sexual harassment with special attention paid to workplaces and college campus environments. In total, twelve bills were passed and signed into law over the course of 2018 to address sexual harassment in Illinois (see Appendix A for a full list).

Legislative action addressing sexual harassment has only increased since this initial wave. Since January 1, 2019, nine bills have been introduced into the Illinois legislature for the upcoming session (see Appendix B for a full list). One such bill would create the Sexual Harassment No Contact Order Act which allows for a sexual harassment no contact order to be issued under certain circumstances (SB0038). Another would create the Workplace Transparency Act which provides that employers shall not require employees to sign a nondisclosure agreement that includes provisions that limit the disclosure of sexual misconduct, retaliation, or unlawful discrimination (SB0030). Legislation has been proposed to amend the Illinois Human Rights Act to broaden the term “employee” to include immediate personal staff of elected public officials (SB0031). Another proposed piece of legislation seeks to expand the definition of “employer” to include anyone who employs one (rather than 15) or more employees during 20 or more weeks of the year (HB0252).

The most robust piece of legislation is SB 1829, known as the Sexual Harassment Omnibus bill. This bill would address a wide range of sexual harassment issues in the workplace including:

- Imposing limits on employers requiring non-disclosure agreements, forced arbitration clauses, and non-disparagement clauses
- Requiring private employers to conduct sexual harassment training
- Including independent contractors as employees
- Requiring large employers to disclose the number of sexual harassment settlements and actions against them
- Prohibiting non-disclosure agreements for low-wage workers
- Allowing victims of sexual harassment and sexual violence to take unpaid leave from work

The party divisions observed in the statewide sexual harassment polling may also be emerging in the legislature, with many of these pieces of legislation being partisan bills from the Democrats. Eleven legislators sit on the Senate Sexual Discrimination and Harassment Awareness and Prevention Task Force. Seven of the members are Democrats and 4 Republican.

### **Recent Changes in Illinois Leadership**

Research on improving negative intergroup relations (e.g. such as those that foster sexual harassment) suggests that groups having equal power facilitates more positive contact. Illinois is taking steps in this direction with 36% of the legislature now being women. In addition, women are being elevated to leadership positions, with House Speaker Michael Madigan having a woman, Jessica Basham, as his chief of staff, replacing Timothy Mapes who was fired after allegations of sexual harassment. Basham is the first woman to occupy this position.

Other women assuming leadership roles include Governor Pritzker's Lieutenant Governor Juliana Stratton with early indicators that she will play an active role in his administration. Pritzker is still finalizing cabinet appointments, but many of those already appointed are women. Theresa

Eagleson has been named the Director of the Department of Healthcare and Family Services alongside Janel Forde who Pritzker named the new director of the Department of Central Management Services. Alicia Tate-Nadeau moved from being the head of Chicago's Office of Emergency Management and Communications to operating in this capacity for the state. In addition, Tate-Nadeau will be the director of Homeland Security and the Illinois Emergency Management Agency. Pritzker's apparent efforts at placing women in leadership positions has a bipartisan flair as he is keeping Heidi Mueller as the Department of Juvenile Justice as a holdover from the Rauner administration (Finke, 2019).

Not only is Pritzker's cabinet filling up with women leadership, but his staff as well. Within Pritzker's executive office, three prominent positions have been filled by women. Emily Bittner, current chief of strategy for Chicago Mayor Rahm Emanuel, will serve as deputy chief of staff for communications for the Pritzker administration. Jordan Abudayyeh, a former statehouse reporter and the press secretary during the campaign will assume the role of press secretary for the administration. Tiffany Newbern-Johnson is currently the head of Rahm Emanuel's state legislative agenda and will become the deputy chief of staff for legislative affairs. Pritzker named Alexis Sturm, former chief of staff of the budget office under Rauner, as the Director of the Office of Management and Budget (Neely-Streit, 2019). New appointments of women in prominent political roles may indicate a sea change concerning the social and political culture within the state capitol.

## **3.2 ILLINOIS POLICY**

Illinois is one of many states grappling with how to address the #MeToo movement within its borders. In order to guide these efforts, the National Council of State Legislatures (NCSL) surveyed state legislative human resource offices in October 2016 on their sexual harassment policies and training. NCSL received responses from 49 offices in 44 states. Thirty-seven of these offices reported having a formal written policy on sexual harassment. NCSL used this dataset combined with expert

recommendations to create a template for sexual harassment training that all states should follow.

NCSL considers a strong sexual harassment policy to be one that includes:

- A clear definition of “sexual harassment.”
- Examples of what behaviors are considered inappropriate in the workplace.
- A policy that applies to legislators and staff, as well as nonemployees, such as lobbyists and outside vendors.
- A diversity of contacts within the legislature to whom sexual harassment can be reported, allowing the complainant to bypass reporting to his or her direct supervisor.
- A clear statement prohibiting retaliation for the filing of any claim.
- A statement providing for confidentiality, to the extent possible, for all parties involved.
- Specific examples of potential discipline, if warranted.
- The possibility of involving parties outside the legislature to assist in the investigation, if it is warranted or requested.
- An appeal procedure.
- A statement informing the complainant that she or he can also file a complaint to the Equal Employment Opportunity Commission and/or the state’s Human Rights Commission.

Guidance from the NCSL on this issue is necessary in offering a framework from which states can adopt and create their own policies (Griffin, 2018). The NCSL’s *Guide for Writing a State Legislative Personnel Manual* includes sample language for legislative staff agencies that want to develop a sexual harassment policy.

The Illinois Senate Task Force on Sexual Discrimination and Harassment Awareness and Prevention held hearings in March 2018 to examine how other states and the federal government addressed sexual harassment complaints within the statehouse (Illinois General Assembly, 2018).

Many of the recommendations provided by the NCSL were already a part of the Illinois Human Rights

Act or were written into Public Act 100-0554 including “a clear definition of sexual harassment; a policy that applies to legislators, staff, and non-employees like lobbyists; a diversity of contacts within the legislature to whom sexual harassment can be reported, allowing complainants to bypass reporting to their direct supervisor ; a clear statement prohibiting retaliation for filing a claim; a statement providing for confidentiality to the extent possible; a statement informing complainants of their rights to file a complaint with the state’s human rights agency; mandatory annual training; training at new member or new employee orientation; and training that incorporates case studies and examples of harassment, specifically highlighting situations unique to the legislature” (Illinois General Assembly, 2018, p.11). This suggests that Illinois sexual harassment policy is in line with current best practices.

### **3.3 ILLINOIS TRAINING**

The National Council of State Legislatures included training as a component of their sexual harassment protocol. According to the NCSL, a state legislature hoping to provide an effective sexual harassment training program should include the following elements:

- Training should be done in a classroom setting with a live trainer.
- Training should be mandatory.
- Training should include a summary of the national laws on sexual harassment, as well as state- and legislature-specific policies.
- The legislative HR director, or other individual(s) tasked with receiving sexual harassment complaints, should be present.
- Training should be offered at new member or new employee orientations.
- Leadership should be engaged in the training.
- Training should incorporate case studies and examples of harassment, specifically highlighting situations unique to the legislature.

- Annual training should be dynamic and vary by topics covered and in presentation style.
- Trainers should ask attendees to fill out evaluations, to ensure the training is meeting their needs.
- There should be separate training for legislative staff and membership.

A majority of training recommendations, even those provided by the NCSL, discuss the logistics of the training but do not stipulate the actual contents of the training. Currently, training recommendations address the style, format, and frequency for effective training. However, a deficit exists concerning what information a training program should provide in order to reduce harassing behaviors in legislatures. To aid in this effort in February 2018, the NCSL created a webinar on Preventing Sexual Harassment in Legislatures (NCSL, 2018). The webinar suggests taking a holistic approach to harassment prevention which includes creating a harassment-free culture within legislatures. Creating a culture free of harassing behaviors encompasses more than just a paper policy prohibiting sexual harassment. Legislatures will have to acknowledge the importance of the institutional credibility related to sexual harassment which is often shaped by an organization's reputation for how harassment is discussed and addressed within the legislature. Furthermore the legislature's reputation is also shaped by the reputations of the members within. If members are known for engaging in or tolerating sexually harassing behaviors, that undermines the credibility of the legislature as a whole when it comes to sexual harassment prevention.

NCSL's webinar provided several ways to strengthen sexual harassment policies. The first suggestion was to have a sexual harassment policy that emphasized harassment prevention as an important organizational value. The webinar also suggests that avoiding legal definitions of sexual harassment in the policy (e.g. sexual harassment is . . .) because it narrows the scope of the policy to only address behaviors when they rise to the level of being unlawful. Rather, the policy should focus on behaviors that are inappropriate or unacceptable even if they are not against the law. This

distinction between inappropriateness and illegality is vital because there is a vast range of behaviors that should not be tolerated in our legislatures although the behavior may not technically violate any laws. In addition the policy being broad regarding behaviors, it must also be broad in terms of application. Sexual harassment is not just limited to activity within the workplace but also social events, travel, and all forms of communication. The NCSL also urges that a policy should “implement corrective action (prompt and proportionate and designed to prevent further unacceptable conduct).”<sup>1</sup> Overall, the message of the NCSL is that the policy serves as the guardrails on inappropriate behavior but ultimately the culture of the workplace will dictate the prevalence of harassing behavior. In order for a policy to be effective, policy must be tied to culture.

The NCSL did an excellent job at suggesting areas that are typically ignored by most training efforts. It is important to note that training is not required under Title VII. To be compliant with federal regulations, employers should “should take all steps necessary to prevent sexual harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate sanctions, informing employees of their right to raise and how to raise the issue of harassment under Title VII, and developing methods to sensitize all concerned.” The EEOC advises that an “effective preventive program should include an explicit policy against sexual harassment that is clearly and regularly communicated to employees and effectively implemented” (Griffin, 2017). As of 2017, Maine had the strictest training laws on sexual harassment. HB 1016 required all companies with 15 or more employees to provide training to employees within a year of hiring (Murphy, 2017). In order to be compliant, employers in Maine must provide employees with an information sheet about sexual harassment as well as training that covers the following information:

- The illegality of sexual harassment
- The definition of sexual harassment under applicable state and federal law

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<sup>1</sup> <http://www.ncsl.org/legislators-staff/legislators/legislative-leaders/webinar-sexual-harassment-prevention.aspx>

- A description of sexual harassment, utilizing examples
- The internal complaint process of the employer available to the employee
- The legal remedies and complaint process available through the department
- Directions on how to contact the department
- The protection against retaliation for filing a complaint

Employers that failed to provide employees with notices about sexual harassment or adequate training faced fines up to \$5,000. (Maine Human Rights Act, 2017)

In September 2018, The State of California passed SB 1343. The law requires all employers with five or more employees to provide two hours of biannual sexual harassment training to supervisory employees and at least one hour of training to non-supervisory employees by January 2020. This law reduced the number of required employees from 50 to 5 meaning that millions of people around the state will now need to complete sexual harassment training. The law also stipulates that the California Department of Fair Employment and Housing would be responsible for developing and providing such training on its website, although employers could create their own provided they complied with the law. In addition to California and Maine, New York and Connecticut are the only other states that require sexual harassment training for all public and private sector employees (Griffin 2017).

Despite not requiring sexual harassment training for all employees, other states have passed legislation to address the issue. Iowa and Florida require affirmative action and equal opportunity training that includes sexual harassment for all executive branch supervisors. Tennessee, Pennsylvania, Washington, Utah, New Jersey, Texas, and Nevada require sexual harassment training for all state employees. New Mexico requires training for all primary and secondary education providers. The remaining states recommend training but do not require it (Herba, 2018).

### **What training requirements has Illinois adopted?**

Illinois requires that every state executive department, state agency, board, commission, and instrumentality must develop a written sexual harassment policy. Additionally, they must provide sexual harassment training for all new employees. The Illinois Department of Human Rights' (IDHR) Institute for Training and Development began sexual harassment training for lawmakers in November of 2017. According to IDHR, the training objectives include explaining protections offered to employees, addressing harassment claims, and specifying appropriate conduct. The curriculum included a one-hour slideshow presentation and proposed the idea that if one would not do or say something in front of their grandmother, it is likely sexual harassment. The slides also covered various definitions of sexual harassment and reviewed different scenarios in order to identify if sexual harassment had occurred (Garcia & Geiger, 2017).

Illinois has provided training under the Lobbyist Registration Act. This training covers a definition of various types of sexual harassment, specifying that the behavior does not need to take place in the workplace to be considered harassing. The training also provides examples of verbal, nonverbal, and physical sexual harassment including exemplars such as telling sexual jokes, inappropriate flirting, sending sexually themed photos, or cornering another person. The training provides provisions against retaliation, consequences of engaging in harassing behavior, and the process of investigation by the Legislative Inspector General (Office of the Inspector General, 2018).

## **3.4 RECOMMENDATIONS FOR FUTURE DIRECTIONS FOR ILLINOIS**

As one of the first states to pass sexual harassment legislation following #MeToo, Illinois has been and continues to be a leader in this arena. The Senate Task Force on Sexual Discrimination and Harassment Awareness and Prevention outlined best practices regarding harassment prevention and training. These practices included making sure employers create and regularly review anti-harassment

policies. Public Act 100-0554 was created to aid in this effort, requiring all state and local governmental entities and lobbyists to create clear sexual harassment policies.

Best practices also indicate that regular anti-harassment training is essential to improving workplace culture. Public Act 100-0554 also requires sexual harassment training for all state officers and employees. The task force report urges organizations to consider including bystander training as a component of their overall sexual harassment training. This encourages individuals other than the victim to speak up if they see inappropriate behavior occurring within the workplace. Additional steps for Illinois may include following California's example and passing legislation to make training mandatory for all public and private sector employees.

## **CONCLUSION**

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Despite increased representation of women in public sector administration, women remain vastly outnumbered in elected public sector positions. Increasing women's presence in these spaces is essential for achieving gender equality throughout society. However, women in these arenas often face rampant sexual harassment that communicates that they are unwelcome in such environments. In fact, as the treatment of women currently in politics is more widely discussed, it reduces reports of women expressing interest in public office, often citing misogyny as a reason for not joining politics (Krook, 2017). This creates an unfortunate paradox because shedding light on these experiences is a vital step in changing the political culture into an environment that is hospitable to women (Krook, 2017). When we accept gender based harassment as an inevitable part of political life, we allow such harmful acts to be maintained as the norm rather than changing policy to address it.

2019 saw a record number of women being sworn into office in Illinois and at the federal level. This new wave of women in leadership is a step in a positive direction, but may not be sufficient to curb endemic sexual harassment within the political arena. Illinois' action thus far has poised the state to be a leader in this area. Continued efforts to increase the representation of women in Illinois

government will continue to shift the dynamic regarding how sexual harassment is addressed within the public and private sector throughout the state.

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**APPENDIX A – SEXUAL HARASSMENT LEGISLATION PASSED INTO LAW**

<b>Bill</b>	<b>Title</b>	<b>Description</b>
<b>SB 402</b>	<b>SEXUAL HARASSMENT AWARENESS TRAINING</b>	Requires lobbyists, legislators and state employees to receive sexual harassment training, clarifies the procedure for making complaints of sexual harassment against state officials, legislators, state employees and lobbyists, and allows the appropriate ethics commission to adjudicate sexual harassment claims and impose penalties <i>(Effective November 16, 2017)</i>
<b>HB 138</b>	<b>FAST-TRACKED INVESTIGATIONS of HARASSMENT CLAIMS REGARDING the LEGISLATURE</b>	Made numerous changes to reform the legislative ethics process, most notably, allows the Legislative Inspector General to investigate sexual harassment claims without first obtaining approval from the Legislative Ethics Commission and extended the statute of limitations for filing a charge with IDHR from 180 days to 300 days <i>(Effective June 8, 2018)</i>
<b>SB 2271</b>	<b>STATUTE of LIMITATIONS EXTENTION for CERTAIN SEXUAL OFFENSES</b>	Extends the statute of limitations for offenses involving sexual conduct or sexual penetration, where the victim was 18 years or older, to allow the prosecution to be commenced within one year after discovery of the offense by the victim. <i>(Effective January 1, 2019)</i>
<b>SB 3404</b>	<b>SURVIVORS BILL of RIGHTS</b>	Provides victims of sexual assault or abuse rights to: shower at the hospital post-examination, obtain a copy of the police report relating to the incident, have a sexual assault advocate and a support person of their choosing present for medical and physical examinations, retain their own counsel, as well as prohibits law enforcement from prosecuting the victim for a crime related to use of alcohol, cannabis, or a controlled substance based on the sexual assault forensic evidence collected from the victim. <i>(Effective January 1, 2019)</i>
<b>SB 20</b>	<b>MORE TIME for FILING CLAIMS for HUMAN RIGHTS VIOLATIONS</b>	Extended the time for filing an administrative claim under the Illinois Human Rights Act from 180 days to 300 days and made changes intended to reduce the backlog of harassment and discrimination claims at the Department of Human Rights and the Human Rights Commission. <i>(Effective August 24, 2018)</i>
<b>HB 4242</b>	<b>PUBLIC TRANSPARENCY of GOVERNMENTAL SEXUAL HARASSMENT or DISCRIMINATION</b>	Requires units of local government, school districts, community college districts, or other local taxing bodies to provide notice to the public if it enters into a severance agreement with an employee or contractor accused of sexual harassment or sexual discrimination. <i>(Effective August 23, 2018)</i>
<b>HB 4243</b>	<b>PROHIBITION of TAX FUNDS for SEXUAL HARASSMENT SETTLEMENTS or CLAIMS</b>	Prohibits public funds, including pay and allowances of members of the G.A., to be used for a payout for sexual harassment claims against a legislator. <i>(Effective August 10, 2018)</i>
<b>SB 3604</b>	<b>PROHIBITION of SEVERANCE PAY</b>	Requires that severance pay from a local government contract does not exceed more than 20 weeks of compensation and prohibits

	<b>for SEXUAL MISCONDUCT</b>	severance pay when the employee has been fired for misconduct, including sexual harassment. <i>(Effective January 1, 2019)</i>
<b>SB 405</b>	<b>SEXUAL HARASSMENT POLICY REQUIREMENT for EDGE TAX CREDIT BENEFICIARIES</b>	Requires a sexual harassment policy for all companies that make a bid under the state's procurement code and requires companies that claim EDGE credits to include their sexual harassment policy in their annual report to the state. <i>(Effective January 1, 2019)</i>
<b>SR 1561 &amp; HR 783</b>	<b>REQUESTS INVESTIGATION of ILLINOIS FORD MOTOR PLANTS REGARDING CLAIMS of HARASSMENT CULTURE</b>	Urged the state and federal government to investigate the culture of harassment at Ford Motor Company's Illinois plants, called for a review of United Automobile Worker's possible breach of its duty of fair representation to union members who reported harassment, and called on the governor to review all state contracts with Ford for compliance with anti-harassment laws. <i>(Adopted)</i> .
<b>HB 4953</b>	<b>PREVENTION TRAINING for PROFESSIONAL LICENSE APPLICANTS</b>	Requires Illinois Department of Financial and Professional Regulation to provide a sexual harassment training program and requires each applicant and license renewal applicant to complete this training. <i>(Effective January 1, 2019)</i>
<b>HB 5148</b>	<b>SEXUAL HARASSMENT AWARENESS EDUCATION for ILLINOIS SCHOOLS</b>	Requires course material and instruction on sex education in grades 6 through 12 to include discussion of what constitutes sexual consent and what may be considered sexual harassment or sexual assault, with an emphasis on the workplace environment and life on a college campus. <i>(Effective August 3, 2018)</i>

**APPENDIX B – CURRENT SEXUAL HARASSMENT BILLS AWAITING  
CONGRESSIONAL APPROVAL**

<b>Bill</b>	<b>Title</b>	<b>Description</b>
<b>SB 30</b>	<b>WORKPLACE TRANSPARENCY ACT</b>	Protects employees from being forced to sign nondisclosure agreements relating to sexual harassment, retaliation and unlawful discrimination
<b>SB 31</b>	<b>ENDS EXEMPTIONS FOR CERTAIN EMPLOYEES of OFFICIALS</b>	Deletes the exemption of “ <i>immediate personal staff</i> ” of elected public officials from the definition of “ <i>employee</i> ” in the Human Rights Act.
<b>SB 74</b>	<b>STRENGTHENS INDEPENDENT POWERS of the LEGISLATIVE INSPECTOR GENERAL</b>	Allows the Legislative Inspector General to investigate complaints without first getting approval from the Legislative Ethics Commission.
<b>SB 75</b>	<b>HOTEL and CASINO EMPLOYEE SAFETY ACT</b>	Requires hotels and casinos to adopt anti-sexual harassment policies and make panic buttons available to certain employees. Prohibits retaliation against an employee for using a panic button, availing himself or herself of the protections afforded by an anti-sexual harassment policy, or disclosing, reporting, or testifying about violations of the act.
<b>SB 1588</b>	<b>CREATION of the SEXUAL HARASSMENT NO CONTACT ORDER</b>	Allows for a new civil remedy for cases where relief is unavailable under any other existing protective order.
<b>SB 1829</b>	<b>SEXUAL HARASSMENT OMNIBUS</b>	<ul style="list-style-type: none"> <li>• Includes the Workplace Transparency Act (limitations on NDAs, forced arbitration clauses, non-disparagement clauses)</li> <li>• Amends definition of sexual harassment to include “on the basis of an individual’s actual or perceived sex or gender”</li> <li>• Requires private employers to have sexual harassment prevention training</li> <li>• Includes independent contractors as employees under the Illinois Human Rights Act</li> <li>• Requires large employers in the state to disclose the number of sexual harassment settlements/actions against them</li> <li>• Prohibits the use of NDAs for low-wage workers</li> <li>• Includes sunshine in litigation – provides no court shall enter an order or judgment which has the effect of concealing a public hazard</li> <li>• Expands Victims’ Economic Security and Safety Act so that victims of sexual harassment or sexual violence can take unpaid leave from work</li> </ul>

