

***INDIANA HARBOR BELT RAILROAD COMPANY'S***

***POLICY ON***

***INTERNAL RESOLUTION OF DISCRIMINATION COMPLAINTS***

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**APPROVED**

C.H. Allen, General Manager

Date: October 14, 1994

John E. DeWitt, Comptroller

Date: October 14, 1994

Revised:

Date: Feb. 21, 2007

***INDIANA HARBOR BELT RAILROAD COMPANY'S***  
***POLICY ON***  
***INTERNAL RESOLUTION OF DISCRIMINATION COMPLAINTS***

**1.0 Purpose**

- 1.1 To establish internal procedures for the prompt investigation and resolution of allegations of unlawful employment discrimination or sexual harassment asserted by Indiana Harbor Belt Railroad Company employees.
- 1.2 To affirm the Corporation's commitment to comply with all Federal, State, and Local Laws and Regulations prohibiting discrimination on the basis of race, color, sex, religion, national origin, sexual orientation, age, or physical/mental disability.
- 1.3 To further the implementation of the Indiana Harbor Belt Railroad Company's Equal Employment Opportunity Policy.

**2.0 Scope**

- 2.1 This instruction applies to all Indiana Harbor Belt Railroad Company employees.
- 2.2 The Indiana Harbor Belt Railroad Company's Equal Employment Policy is described in the Indiana Harbor Belt Railroad Company's policy on Equal Employment Opportunity.

### **3.0 Definitions**

- 3.1 Unlawful employment discrimination is defined as treating a person or group inequitably or less favorably with respect to the terms and conditions of employment because of such person's race, color, age, religion, sex, sexual orientation, national origin, or physical or mental disabilities.
- 3.2 "Sexual harassment" is defined as sexual advances, requests for sexual favors, and other verbal or physical conduct, when the following conditions apply.
  - 3.2.1 Submission to such conduct is either explicitly or implicitly a term or condition of an individual's employment;
  - 3.2.2 Submission to or rejection of such conduct by an individual is used as the basis for employment decisions effecting the individual;
  - 3.3.3 Such conduct creates an intimidating, hostile, or offensive work environment;
  - 3.3.4 Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance.

### **4.0 Responsibilities**

#### **4.1 Each Employee**

Each employee has the responsibility for the maintenance of a non-discriminatory workplace in which all employees are treated equitably and fairly without regard to race, color, national origin, sex, age, sexual orientation, physical disabilities, or mental disabilities. Each employee should respect and value the unique resources and skills each co-worker brings to the workplace.

- 4.1.1 Any employee who feels that they have been subjected to any act of discrimination or sexual harassment committed by another employee must immediately report such incident to the Internal Discrimination Complaint

Officer (Director Labor Relations and Human Resources).

**4.2 Director Labor Relations and Human Resources  
(Internal Discrimination Complaint Officer)**

The Director of Labor Relations and Human Resources is responsible for the processing of Internal Discrimination Complaints received from agreement employees and non-agreement employees, if applicable, he or she will:

- 4.2.1 Disseminate information on the availability of the Internal Discrimination Complaint Process as a resource for addressing employee complaints of illegal discrimination or sexual harassment;
- 4.2.2 Ensure the Internal Discrimination Complaint Form LP-500 (Exhibit A) is completed by employees submitting Internal Discrimination Complaints and acknowledge the receipt of such complaints in writing;
- 4.2.3 Fully investigate each Internal Discrimination Complaint, review records, and interview agreement and non-agreement personnel, as appropriate;
- 4.2.4 Assist and guide the complaints during the course of the complaint investigation;
- 4.2.5 Confer with the senior manager, or designee, of complaint's department to review the findings of the Internal Discrimination Complaint investigation and to fashion a response, including, as appropriate, remedial action;
- 4.2.6 Endeavor to complete the data gathering, interviewing and communicating the resolution of the complaint within forty-five (45) days of receipt;
- 4.2.7 Furnish the Complainant with a written statement of the result of the investigation and of actions taken or contemplated;
- 4.2.8 Provide the Complainant the opportunity to appeal the findings of the Internal Complaint Investigation by furnishing the Complainant with an Internal Discrimination Complaint Appeal Form LP-501 (Exhibit B). Complainant should be advised in writing that appeals should be made within ten (10) days of receipt of the results of investigation;

4.2.9 Take action to protect the Complainant from any adverse treatment or retaliation as a result of filing a complaint and ensure that all individuals involved with the investigation of the complaint respect the confidentiality of the situation;

4.2.10 Maintain a complete confidential record of each discrimination complaint and ensure such information is not contained in other personnel files of the corporation.

**4.3 Equal Employment Officer  
(Internal Discrimination Complaint Appeal Officer)**

The Sr. Director Risk Management is the designated Internal Discrimination Complaint Appeal Officer for employees who wish to appeal the findings of the investigator as outlined in paragraph 4.2. The Equal Employment Officer will:

4.3.1 Acknowledge, in writing, receipt of Internal Discrimination Complaint Appeals;

4.3.2 Review the record of the initial Internal Discrimination Complaint Investigation to verify its adequacy and the reasonableness of the resultant determination or corrective action;

4.3.3 Conduct such additional investigation, as necessary;

4.3.4 Confer with the senior manager of Complainant's department to review the findings of the discrimination complaint appeal investigation and to fashion a response, to include, as necessary, appropriate remedial action;

4.3.5 Endeavor to complete the review of Internal Discrimination Complaint Appeals and communicate the resolution of the appeal within 30 days of receipt;

4.3.6 Inform the Complainant, promptly, and in writing, of the appeal decision.

## **5.0 Procedures**

- 5.1 Written complaints will be submitted using IHB Form LP-500 (see Appendix A).
- 5.2 Upon completion of the fact-finding investigation, the Director of Labor Relations and Human Resources will notify the Complainant, in writing (within 45 days of the receipt of the complaint), of the results of the investigation and of their right to appeal the decision.
- 5.3 When a Complainant is not satisfied with the handling of their complaints and wishes to take further action, the employee may (within ten days of receipt of the investigation results) request review by the Equal Employment Officer using IHB Form LP-501 (see Appendix B).
- 5.4 The Equal Employment Officer will review the record of the initial Internal Discrimination Complaint investigation, giving due regard to the written and oral comments of the appealing employee, and conduct further investigation as necessary.
- 5.5 The Equal Employment Officer may, at his or her discretion, convene an Appeal Committee consisting of three senior managers of the corporation to review the appeal in an effort to ensure objectiveness.
- 5.6 The Equal Employment Officer will endeavor to inform the Complainant of the results of the appeal within 30 business days of receipt of the appeal.

## **6.0 Alternate Complaint Procedures**

- 6.1 The use by an employee of the Internal Discrimination Complaint Process does not prevent that employee from pursuing the same, or a related complaint, through the labor grievance process.
- 6.2 The filing of a discrimination complaint with a Federal, State, or Local Government Agency does not affect the handling of the same, or related complaint, under the Internal Discrimination Complaint Process.

## **7.0 Maintenance of Records**

- 7.1 Discrimination complaint files will, at all times, be treated as confidential and kept separate from personnel records. Unless otherwise authorized by the Law Department, only those persons directly involved in the resolution of the complaint will have access to such files.
  
- 7.2 All employees involved in an investigation of an Internal Discrimination Complaint will refrain from discussing the event and respect the need of confidentiality by all parties involved in the case.

**APPENDIX A**

**IHB FORM LP-500  
Indiana Harbor Belt Railroad  
Internal Discrimination Complaint**

TO: IHB Human Resources

I believe I may have been subject to illegal discrimination at work, or in connection with the terms and conditions of my employment. I believe this discrimination is based upon my:

_____ Race	_____ Sex	_____ Age
_____ Disability	_____ Religion	_____ National Origin

**STATEMENT OF COMPLAINT:**

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I understand that I will not be subject to retaliation or otherwise adversely affected as a result of having filed this complaint.

Name:	
Work Location and Job:	
Home Address:	
Home Phone:	
Employee Signature:	
Date:	

**IHB FORM LP-501**  
**INDIANA HARBOR BELT RAILROAD COMPANY**  
**INTERNAL DISCRIMINATION COMPLAINT APPEAL**

Director of Labor Relations  
Indiana Harbor Belt Railroad  
2721 – 161<sup>st</sup> Street  
Hammond, Indiana 46322-1099

Dear Sir or Madam:

Please accept this letter as notification of my desire to appeal the decision rendered in connection with the internal discrimination complaint filed by me.

My appeal is based upon the following:

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<b>EMPLOYEE NAME:</b>	
<b>EMPLOYEE ID:</b>	
<b>WORK LOCATION:</b>	
<b>HOME ADDRESS:</b>	
<b>HOME PHONE NUMBER:</b>	
<b>EMPLOYEE SIGNATURE:</b>	
<b>DATE:</b>	