

VILLAGE OF WARRENSBURG, ILLINOIS

ORDINANCE NO. 724

**AN ORDINANCE ADOPTING A POLICY
PROHIBITING SEXUAL HARASSMENT
IN THE VILLAGE OF WARRENSBURG, ILLINOIS**

**ADOPTED BY
THE BOARD OF TRUSTEES OF
THE VILLAGE OF WARRENSBURG**

THIS 2ND DAY OF JANUARY, 2018

Published in pamphlet form by authority of
the Board of Trustees of
the Village of Warrensburg, Macon County, Illinois,
this 2ND day of January, 2018

ORDINANCE NO. 724
AN ORDINANCE ADOPTING A POLICY
PROHIBITING SEXUAL HARASSMENT
IN THE VILLAGE OF WARRENSBURG, ILLINOIS

WHEREAS, the Village of Warrensburg, Macon County, Illinois is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 100-554 (the "Act"), effective November 16, 2017, which is a comprehensive revision of the State statutes regulating policies prohibiting sexual harassment; and

WHEREAS, the Act requires that, no later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, November 16, 2017, each government unit shall adopt an Ordinance establishing a policy to prohibit sexual harassment; and

WHEREAS, the Board of Trustees has determined that, as a governmental unit, it must comply with the Act by passage of this ordinance.

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE BOARD OF TRUSTEES OF THE VILLAGE OF WARRENSBURG, MACON COUNTY, ILLINOIS, THAT THE FOLLOWING ORDINANCE ESTABLISHING A POLICY PROHIBITING SEXUAL HARASSMENT BE AND HEREBY IS ADOPTED:

SECTION 1: Adoption of Policy Prohibiting Sexual Harassment.

The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby adopted.

SECTION 2: Existing Policies.

All prior existing sexual harassment policies of the Village of Warrensburg that conflict with the policy contained in Exhibit A hereto shall be superceded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance.

SECTION 3: Severability.

It is the intention of the President and the Board of Trustees that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION 4: Effective Date.

That this Ordinance shall take effect upon its passage as provided by the laws of the State of Illinois, and in addition shall be published in pamphlet form and posted in not less than three prominent places within the municipality.

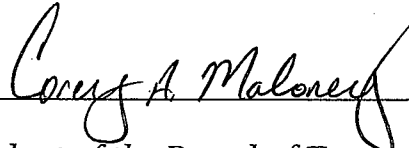
TRUSTEES:

<u>Raymond Ewing</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>Douglas Fisher</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>Leland Hackl</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>Frank Musick</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>Karen Musick</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>John Oakley</u>	<u>Aye - X</u>	<u>Nay -</u>	<u>Absent -</u>
<u>Corey Maloney</u>	<u>Aye -</u>	<u>Nay -</u>	<u>Absent -</u>

PRESENTED, PASSED and APPROVED this 2nd day of January, 2018

RECORDED this 2nd day of January, 2018

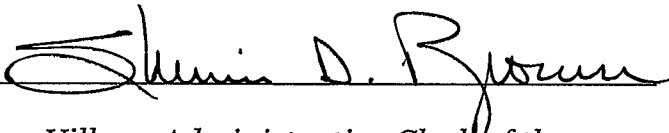
Approved:



President of the Board of Trustees of the

Village of Warrensburg, Illinois

ATTEST:



Village Administrative Clerk of the

Village of Warrensburg, Illinois

POLICY PROHIBITING SEXUAL HARASSMENT¹

I. PROHIBITION ON SEXUAL HARASSMENT

It is unlawful to harass a person because of that person's sex. The courts have determined that sexual harassment is a form of discrimination under Title VII of the U.S. Civil Rights Act of 1964, as amended in 1991. All persons have a right to work in an environment free from sexual harassment. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is a policy of Village of Warrensburg, Illinois to prohibit harassment of any person by any municipal official, municipal agent, municipal employee or municipal agency or office on the basis of sex or gender. All municipal officials, municipal agents, municipal employees and municipal agencies or offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.

II. DEFINITION OF SEXUAL HARASSMENT

This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment,
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Conduct which may constitute sexual harassment includes:

- Verbal: sexual innuendos, suggestive comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature.
- Non-verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises.
- Visual: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.
- Physical: touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.

- Textual/Electronic: “sexting” (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a “reasonable person.”

III. PROCEDURE FOR REPORTING AN ALLEGATION OF SEXUAL HARASSMENT

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.

Any employee may report conduct which is believed to be sexual harassment, including the following:

- *Electronic/Direct Communication.* If there is sexual harassing behavior in the workplace, the harassed employee should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are needed, they should be put in writing in a note or a memo.
- *Contact with Supervisory Personnel.* At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor of the person making the report, a department head, the Village Administrative Clerk, or the Village board president (mayor).

The employee experiencing what he or she believes to be sexual harassment must not assume that the employer is aware of the conduct. If there are no witnesses and the victim fails to notify a supervisor or other responsible officer, the municipality will not be presumed to have knowledge of the harassment.

- *Resolution Outside Municipality.* The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every report and incident so that problems can be identified and remedied by the municipality. However, all municipal employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR

complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Documentation of any incident may be submitted with any report (what was said or done, the date, the time and the place), including, but not limited to, written records such as letters, notes, memos and telephone messages.

All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the municipality. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

IV. PROHIBITION ON RETALIATION FOR REPORTING SEXUAL HARASSMENT ALLEGATIONS

No municipal official, municipal agency, municipal employee or municipal agency or office shall take any retaliatory action against any municipal employee due to a municipal employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or

this policy shall be subject to discipline or discharge pursuant to applicable municipal policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements.

In addition, any person who intentionally makes a false report alleging a violation of any provision of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor. An ethics commission may levy an administrative fine of up to \$5,000 against any person who intentionally makes a false, frivolous or bad faith allegation.

STATE OF ILLINOIS)

) ss

COUNTY OF MACON)

CERTIFICATE

I, SHERRIE D. BROWN, certify that I am the duly appointed Village Administrative Clerk of the Village of Warrensburg, Macon County, Illinois.

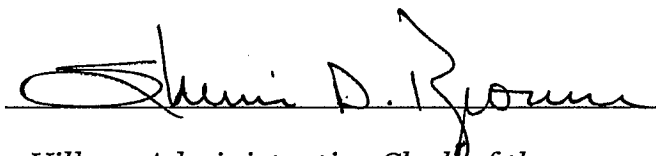
I further certify that on the 2nd day of January, 2018 the President and Board of Trustees of the Village of Warrensburg ("Board") passed and approved the attached Ordinance No. 724, entitled "An Ordinance Adopting A Policy Prohibiting Sexual Harassment in the Village of Warrensburg, Illinois."

The Ordinance was duly adopted by the Board at a regular meeting held January 2nd, 2018 at which meeting a quorum of the Board was present.

I further certify the vote on the Ordinance was duly recorded in the minutes of the Board meeting and is on record in my office.

The pamphlet form of Ordinance No. 724, including Ordinance and cover sheet thereof was prepared, a copy of such Ordinance was posted in the Warrensburg Village Hall, the Warrensburg Public Library, and Casey's, commencing January 2nd, 2018, and continuing for at least 10 days thereafter. Copies of such Ordinance were also available for public inspection upon request in the office of the Village Administrative Clerk.

DATED at Warrensburg, Illinois this 3rd day of January, 2018



Village Administrative Clerk of the

Village of Warrensburg, Illinois