

ORDINANCE NO. 17-05

**AN ORDINANCE ESTABLISHING AN UPDATED SEXUAL HARASSMENT POLICY FOR
THE SUGAR GROVE PARK DISTRICT ORDER
TO COMPLY WITH PUBLIC ACT 100-0554**

WHEREAS, the Sugar Grove Park District is a non-home rule unit of local government; and

WHEREAS, Public Act 100-0554 requires units of local government to adopt a resolution or ordinance establishing a sexual harassment policy that complies with the new statutory requirements for such policies; and

WHEREAS, the Board of Commissioners of Sugar Grove Park District wishes to amend Section 1.2 of the Park District's Personnel Manual to comply with P.A. 100-0554.

**NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
SUGAR GROVE PARK DISTRICT THAT:**

Section 1. Section 1.2 of the Sugar Grove Park District Personnel Manual is hereby amended to comply with Illinois Public Act 100-0554, which amended version is attached to this Ordinance as Exhibit A.

Section 2. The above "Whereas" recitals are incorporated into and made part of this Ordinance.

Section 3. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This Ordinance is effective immediately upon its passage and approval.

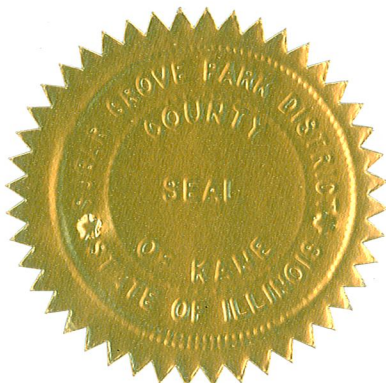
PASSED this 8th Day of JANUARY, 2018

VOTE: Ayes: BECKER, CLARK, EBY, WALKER

Nays: — NONE —

Absent: CARMODY

Abstentions: — NONE —



Joseph Carmody
President of the Board of Commissioners

ATTEST:

Theresa Kysel
Secretary

Introduction

The Park District is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that prohibits discriminatory practices, including harassment. Therefore, the Park District expects that all relationships among persons in the workplace will be business-like and free of bias, prejudice and harassment.

It is the responsibility of each and every employee, officer, official, park commissioner, agent, volunteer, and vendor of the Park District as well as anyone using the Park District's facilities, to refrain from sexual and other harassment. The Park District will not tolerate sexual or any other type of harassment of or by any of its employees and elected officials. Actions, words, jokes, or comments based on an individual's sex, race, national origin, age, religion, sexual orientation, civil union partnership, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, sexual orientation, civil union partnership, or any other protected characteristic, from participating in business or work-related social activities or discussions in order to avoid allegations of harassment. The law and policies of the Park District prohibit disparate treatment on the basis of race, religion, age, national origin, sex, sexual orientation, civil union partnership, or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibition against harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Definitions of Harassment

1. Sexual harassment may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:
 - a. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment;
 - b. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed employee; or
 - c. The harassment has the purpose or effect of interfering with the employee's work performance or creating a working environment that is intimidating, hostile, or offensive to the employee. For purposes of this definition, the phrase "working environment" is not limited to a physical location where an employee is assigned to perform his or her duties and does not require an employment relationship.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors;

sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail, text messages or other workplace communications); and other physical, verbal or visual conduct of a sexual nature.

2. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, civil union partnership, age, national origin, disability or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail, text messages or other workplace communications).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related and/or Park District sponsored social events.

Note

Any employee engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to disciplinary action, up to and including discharge.

Retaliation Is Prohibited

The Park District prohibits retaliation against any individual who reports discrimination or harassment, participates in an investigation of such reports, or files a charge of discrimination or harassment. Retaliation against an individual for reporting harassment or discrimination, for participating in an investigation of a claim of harassment or discrimination, or for filing a charge of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination itself, will result in disciplinary action, up to and including termination against the retaliator.

Should you be subjected to retaliation for reporting sexual harassment, participating in the investigation of any such report, or for filing a charge of sexual harassment with the Illinois Department of Human Rights or any other federal, state, or local governmental agency with jurisdiction over such a charge, you have the right to file a charge with the Illinois Department of Human Rights at the address and/or telephone number listed below. You also may have rights or recourse under the State Officials and Employees Ethics Act and/or the Illinois Whistleblower Act.

Reporting Procedure

The Park District strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment or discrimination. Therefore, while no fixed reporting period has been established, the Park District strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If you experience or witness harassment or discrimination of any kind, you should deal with the incident(s) as directly and firmly as possible by clearly communicating your position to the offending person, your immediate supervisor, your department head, and/or the Director. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at you to make a complaint.

- Direct Communication with Offender: If there is harassing or discriminatory behavior in the workplace, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed employee, you should clearly state that the conduct is unwelcome and the offending behavior must stop. However, you are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.
- Report to Supervisory and Administrative Personnel: At the same time direct communication is undertaken, or in the event you feel threatened or intimidated by the offending person, you should promptly report the offending behavior to your immediate supervisor, department head or the Director. If you feel uncomfortable doing so, or if your immediate supervisor and/or department head is the source of the problem, condones the problem or ignores the problem, report directly to the Director. If the Director is the source of the problem, condones the problem, or ignores the problem, you should contact the President of the Board of Park Commissioners.
- Report to Director/President of the Board of Park Commissioners: An employee may also report incidents of harassment or discrimination directly to the Director. The Director or his designee will promptly investigate the facts and take corrective action when an allegation is determined to be valid. If your complaint alleges harassment by the Director, or if the Director condones the problem or ignores the problem, you should immediately report the incident or incidents in writing directly to the President of the Board of Park Commissioners. An investigation will be conducted and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation.

- You have the right at any time to contact the Illinois Department of Human Rights (IDHR), at the James R. Thompson Center, 100 W. Randolph St., Suite 10-100, Chicago, IL 60601, (312) 814-6200, about filing a formal complaint. Depending upon the results of the IDHR's investigation and the time required to complete the investigation, the IDHR may file a complaint with the Illinois Human Rights Commission (IHRC), located at 100 W. Randolph St., Suite 5-100, Chicago, IL 60601, (312) 814-6269, or you may have a right to file a complaint on your own behalf either in circuit court or directly with the IHRC.

Harassment Allegations Against Non-Employees/Third Parties

If you make a complaint alleging harassment or discrimination against an agent, vendor, supplier, contractor, volunteer or person using Park District programs or facilities, the Director will investigate the incident(s) and determine the appropriate action, if any. The Park District will make reasonable effort to protect you from further contact with such persons. Please recognize, however, that the Park District has limited control over the actions of non-employees.

Important Notice To All Employees

Employees who have experienced conduct they believe is contrary to this policy have an obligation to take advantage of this reporting procedure. An employee's failure to fulfill this obligation could affect his or her rights in pursuing legal action.

Responsibility of Supervisors and Witnesses

Any supervisor who becomes aware of any possible sexual or other harassment or discrimination of or by any employee should immediately advise the Director who will investigate the conduct and resolve the matter as soon as possible.

All employees are encouraged to report incidents of harassment, regardless of who the offender may be or whether or not you are the intended victim.

The Investigation

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The Park District will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The Park District reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment. You must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including termination.

Responsive Action

The Park District will determine what constitutes harassment, discrimination or retaliation based on a review of the facts and circumstances of each situation. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling and/or disciplinary action such as warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay or termination, as the Park District believes appropriate under the circumstances.

False and Frivolous Complaints

Given the possibility of serious consequences for an individual accused of sexual harassment, complaints made in bad faith or otherwise false and frivolous charges are considered severe misconduct and may result in disciplinary action, up to and including dismissal. False and frivolous complaints are those accusations with respect to which the accuser is using a harassment complaint to accomplish an end other than stopping the harassment. The term does not refer to charges made in good faith that cannot be proved.