

RESOLUTION

VILLAGE OF GILBERTS

A RESOLUTION ADOPTING AND ESTABLISHING AN UPDATED SEXUAL HARASSMENT POLICY FOR THE VILLAGE OF GILBERTS TO COMPLY WITH P.A. 100-0554

WHEREAS, the Village of Gilberts previously established a sexual harassment policy; and

WHEREAS, recently, the Illinois General Assembly enacted P.A. 100-0554 that 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 President and Board of Trustees of the Village of Gilberts desire to modify the Village's existing sexual harassment policy to comply with P.A. 100-0554 and to adopt a resolution establishing the updated sexual harassment policy as required by state law.

THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF GILBERTS, ILLINOIS, as follows:

Section 1. The recitals set forth above are hereby incorporated into and made a part of this Resolution as though set forth in this Section 1.

Section 2. The President and Board of Trustees of the Village of Gilberts hereby adopt and establish the updated sexual harassment policy attached to this Resolution as Exhibit A.

Section 3. This Resolution shall be in full force and effect from and after its approval in the manner provided by law.

PASSED BY VOTE OF THE BOARD OF TRUSTEES of the Village of Gilberts, Kane County, Illinois, this 12th day of Dec 2017.

	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>	<u>Abstain</u>
Trustee Dan Corbett	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Elissa Kojzarek	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Nancy Farrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Jeanne Allen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Lou Hacker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Trustee Guy Zambetti	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
President Rick Zirk	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED THIS 12th DAY OF Dec, 2017



[Signature]
Village President, Rick Zirk

[Signature]
Village Clerk, Debra Meadows

4841-2107-3751

Exhibit A

Updated Sexual Harassment Policy

9.1 Sexual Harassment Policy

The Village is committed to providing a workplace environment that encourages and fosters appropriate conduct among employees and respect for individual values and sensibilities. Accordingly, the Village's commitment extends to all forms of discrimination, including sexual harassment. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act, and the State Officials and Employees Ethics Act. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct, which may result in disciplinary action up to and including dismissal.

The Village's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender.

Each and every employee of the Village bears the responsibility to refrain from sexual harassment in the workplace. No employee--either male or female--should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisory personnel to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct, which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment shall be investigated in a prompt and effective manner.

9.1.1 Definition of Sexual Harassment

According to the Equal Employment Opportunity Commission and the Illinois Department of Human Rights, and for the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical acts of a sexual nature where:

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

Conduct commonly considered to constitute sexual harassment includes, but is not limited to:

Verbal: sexual innuendoes, sexually explicit jokes or stories, 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, sexually degrading words to describe an individual, even outside their presence, of a sexual nature, graphic or suggestive comments about an individual's dress or body.

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 sexual nature, suggestive or objectionable pictures or photographs of individuals.

Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment can occur between men and women or members of the same sex. Sexual harassment is unacceptable in the workplace itself and in other work-related settings, such as business trips, and business-related social events.

It is also unlawful to retaliate in any way against anyone who has complained about sexual harassment or discrimination, whether that concern relates to harassment of or discrimination against the individual raising the concern or against another individual. **Persons who report allegations of sexual harassment may also have whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act.**

9.1.2 Responsibility of Individual Employees

Each individual employee has the responsibility to refrain from sexual harassment in the workplace. An individual employee who sexually harasses a fellow worker is liable for his or her individual conduct.

9.1.3 Reporting Procedures

The Village has designated the Human Resources Director to coordinate the Village's sexual harassment policy compliance. He/She is available to consult with employees regarding their obligations under this policy. In circumstances when the complaint is made against the Human Resources, the Village Administrator or a third party shall be responsible for coordinating such a complaint.

Any harassment, sexual or otherwise, when experienced or observed, must be promptly reported in confidence to the employee's supervisor or to the Village Administrator. Supervisory personnel shall take appropriate action when they become aware of potential sexual harassment. If the complaint involves an employee's supervisor, then the employee may go to another supervisor, the Village Administrator, or the Village President. An investigation will be made immediately concerning any allegation of harassment in as confidential a manner as possible. To

the maximum extent possible, the Village will strictly maintain the confidentiality of all complaints. Information will be held in confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the complaint or as required by law.

The Village does not condone any form of retaliation against any employee for making a report under this policy or cooperating with an investigation under this policy. If the investigation leads to a determination that the harassment occurred, corrective action will be taken immediately, up to and including termination of employment if appropriate.

The Village's policy is to investigate all such complaints thoroughly and promptly. If an investigation confirms that a violation of this harassment policy has occurred, the Village will take corrective action, including discipline, up to and including termination of employment, as is appropriate.

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith, which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action up to and including discharge.