

ATTACHMENT E

RESOLUTION APPROVING AND ADOPTING AND UPDATED
WORKPLACE AND SEXUAL HARASSMENT POLICY
TO CONFORM TO ILLINOIS PUBLIC ACT 100-0554

As required by Illinois Public Act 100-0554, all public entities must pass a resolution by January 16, 2018. The Library's Workplace and Sexual Harassment Policy has been updated to conform to the new act. The Board will approve of updated policy and pass the resolution.

ELMHURST PUBLIC LIBRARY

RESOLUTION NO. _____

**RESOLUTION APPROVING AND ADOPTING AN UPDATED
WORKPLACE AND SEXUAL HARASSMENT POLICY
TO CONFORM TO ILLINOIS PUBLIC ACT 100-0554**

WHEREAS, Illinois General Assembly recently enacted Public Act 100-0554, which requires all governmental units to adopt by ordinance or resolution a policy prohibiting sexual harassment and requires certain other mandated employee-protective policy requirements; and

WHEREAS, the Board of Library Trustees of the Village of Elmhurst have previously adopted and maintained in effect a Personnel Manual (the "Manual"), which includes a Workplace and Sexual Harassment Policy; and

WHEREAS, the Library's current Workplace and Sexual Harassment Policy includes a prohibition against sexual harassment, but it does not conform to all of the new state law mandated requirements; and

WHEREAS, the Board of Library Trustees of the Village of Elmhurst have determined that it is in the best interest of Library, its officials, employees, and patrons to make certain revisions to the Workplace and Sexual Harassment Policy as set forth in attached **Exhibit "A"**, in order to bring the Policy into compliance with Public Act 100-0554.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF LIBRARY TRUSTEES OF THE ELMHURST PUBLIC LIBRARY, COOK AND DUPAGE COUNTY, ILLINOIS AS FOLLOWS:

SECTION 1: Each of the Whereas clauses above are incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

SECTION 2: The Board of Library Trustees approve and adopt the Workplace and Sexual Harassment Policy, attached hereto as **Exhibit "A"** and incorporate said Policy herein by reference as if it were fully set forth herein.

SECTION 3: The updated Workplace and Sexual Harassment Policy (**Exhibit "A"**) supersedes all prior personnel and/or employee policies related to the same topic and regulations, including without limitation the last version of Workplace and Sexual Harassment Policy set forth in the Handbook and approved by the Board of Library Trustees.

SECTION 4: The updated Workplace and Sexual Harassment Policy, (**Exhibit "A"**) shall remain in full force and effect until such time as it is further revised or amended by the Board of Library Trustees.

SECTION 5: Those sections, paragraphs and provisions of the Manual, which are not expressly amended by this Resolution, shall remain in full force and effect until such time as they are further revised or amended by the Board of Library Trustees. This Resolution does not to amend any portions of the Manual other than the Workplace and Sexual Harassment Policy.

SECTION 6: That this Resolution shall be in full force and effect from and after its adoption, approval and publication as provided by law.

PASSED this _____ day of _____, 201____, pursuant to a roll call vote as follows:

AYES:

NAYS:

ABSENT:

APPROVED:

ATTEST:

EXHIBIT "A"

WORKPLACE AND SEXUAL HARASSMENT

It is the policy of the Elmhurst Public Library that all employees have a right to work in a non-threatening, non-discriminatory environment. Workplace and sexual harassment are prohibited at the Elmhurst Public Library, either among employees or between employees and patrons. Any employee found to be in violation of this policy will be subject to disciplinary action up to and including termination. Patrons who engage in workplace or sexual harassment will be excluded from the Library for an appropriate period of time (see Public Conduct Policy 3.17). It is a violation of this policy to retaliate or to take reprisal in any way against any employee who has articulated any concern about harassment or discrimination against the person raising the concern or against another individual.

Definition of Workplace Harassment

Workplace harassment consists of conduct which creates a hostile workplace environment for any employee based on race, gender, sexual orientation, national origin, religion, disability, pregnancy, age, military status or any other categories protected by State or Federal Law. Examples of workplace harassment include use of racial, ethnic or religious epithets; conduct motivated by gender or sexual orientation that is so offensive to a reasonable person that it alters the workplace environment; or derogatory statements relating to a person's disability status, age, or other protected category.

Definition of Sexual Harassment and Examples

Sexual harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Examples of sexual harassment include, but are not limited to, sexual assault, and unwelcome sexual conduct, including sexual propositions, sexually graphic comments, touching, patting, pinching, leering or ogling; unwelcome invitations to engage in sexual activity; physical touches of a sexual nature; brushing against the body "accidentally"; pressure to engage in sexual activity as a condition of employment or advancement; persistent, sexual jokes or comments, and displays of sexually graphic pictures.

WORKPLACE AND SEXUAL HARASSMENT POLICY IMPLEMENTATION PROCEDURES

All Library employees are accountable for compliance with this policy. All department heads are urged to take appropriate steps to disseminate this policy, to sensitize employees to the importance of avoiding workplace and sexual harassment, and to inform employees of procedures for filing complaints.

Any employee who experiences or witnesses harassment is encouraged to contact the Director, HR Manager, or an Assistant Library Director or another appropriate individual, such as her/his Department Head, for consultation and advice or to report the incident.

I. FILING A COMPLAINT

Any employee who believes that he/she has been harassed or discriminated against or who has witnessed such actions, should make a complaint. Complaints must be reported, in writing, by the complainant as quickly as possible after the incident.

A. The complaint may be filed with the Director, HR Manager or an Assistant Library Director, who will investigate the complaint. If a supervisor or Department Head receives a complaint of sexual harassment directly from an employee, or becomes aware of such conduct, the complaint shall be immediately reported to the Director or HR Manager.

B. In the event the Library Director is the charged party, the complaint will be referred to the President of the Library Board of Trustees.

C. Whether a charge of discrimination, harassment or retaliation is made verbally or in writing, every effort will be made to ensure that the complaint is documented and that the document contains the following information:

Day, date and time that the complaint is lodged

Day, date, time and place that the alleged event(s) occurred

Individuals involved—person filing the complaint, person alleged to have committed the offense, any witnesses

Response, reaction, if any, of the person making the complaint to the person alleged to have committed the offense, at the time the incident occurred

Any other pertinent information or statement regarding the complaint, including statements made by the complainant.

II. ALTERNATIVE FILING PROCEDURE

Employees of a sex opposite that of the Library Director, Assistant Library Directors or their Department Heads may request that their complaint be discussed with an employee of the same sex as the complainant. Employees wishing to exercise this option shall first inform the Library

Director or the HR Manager of the existence of the complaint and request that an employee of the same sex be designated. The designated employee shall report the substance of the complaint to the Library Director and the HR Manager, who shall process the complaint in accordance with sections I and II above.

Written documentation regarding the investigation and resolution of the complaint shall be made for personnel files.

III. INVESTIGATION

All allegations of harassment and discrimination will be investigated promptly by Administration. Anyone found to have engaged in any type of harassment or discrimination will be subject to disciplinary actions, up to and including immediate termination of employment.

IV. RETALIATION

Reporting harassment, assisting in making a complaint, cooperating in an investigation of harassment, or otherwise engaging in conduct protected by the Illinois Whistleblower Act will not reflect adversely upon an individual's status or affect future employment. This is true regardless of whether the Library finds that unlawful discrimination has occurred. Any employee who retaliates against another for exercising his or her rights under this policy shall be subject to discipline, up to and including discharge. The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the Library's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

V. FALSE REPORTING

Given the nature of this type of discrimination, the Library recognizes that false accusations of sexual harassment can have serious effects on innocent individuals. False or frivolous complaints refer to cases in which the accuser is acting in bad faith and using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. Employees found to file a knowingly false report will be subject to appropriate disciplinary action. Such disciplinary action could include termination of employment.

VI. APPEALS

All decisions may be appealed by any party. Decisions of supervisors may be appealed to the respective department head; decisions of the department head may be appealed to the HR Manager; decisions of the HR Manager may be appealed to the Library Director. Decisions of the Library Director shall be final unless the Library Director is the subject of the complaint, in which case the appeal may be referred to the President of the Board of Trustees for consideration by the Board of Trustees. In that case, the decision of the Board of Trustees shall be final.

VII. CONFIDENTIALITY

The Library cannot guarantee confidentiality, but will only share information about an investigation on an as needed basis or as required by the law. All parties involved in any of the above proceedings shall maintain all information received in strictest confidence.

VIII. TIMELINESS

All complaints shall be made and handled in an expeditious manner, keeping in mind the rights of all parties.

IX. LEGAL RECOURSE

Any employee may also use the legal recourse, investigative, and complaint process through the Illinois Department of Human Rights and Human Rights Commission and/or the Equal Employment Opportunity Commission. Contact information for these agencies is listed below:

Illinois Department of Human Rights
100 West Randolph, Suite 10-100
Chicago, Illinois 60601
Telephone: 312-814-6200
TDD: 312-263-1579
<http://www.illinois.gov/dhr/Pages/default.aspx>

Illinois Human Rights Commission
100 West Randolph Street
Suite 5-100
Chicago, IL 60601
Tel: (312) 814-6269
TDD: (312) 814 – 4760
<http://www.illinois.gov/ihrc/Pages/default.aspx>

Complaints must be filed with the Department of Human Rights within 180 days of the incident.

Or

Equal Employment Opportunity Commission (“EEOC”)
500 West Madison Street, Suite 2000
Chicago, Illinois 60661
Telephone: 800-669-4000
TDD: 800-669-6820
<http://www.eeoc.gov/>
Complaints must be filed with the EEOC within 300 days of the incident.

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)
AND DUPAGE)

SECRETARY'S CERTIFICATE

I, the undersigned, the duly qualified and acting Secretary of the Board of Library Trustees of the Village of Elmhurst, Cook and DuPage County, Illinois, and the keeper of the records thereof, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

RESOLUTION NO. _____

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adopted by the Board of Library Trustees of the Village of Elmhurst at a regular meeting of said Board of Library Trustees at which a quorum was present, held pursuant to the Illinois Open Meetings Act on the ____ day of _____, 201__.

I do further certify that said Resolution is entrusted to my care and custody, that the same is duly spread upon the records of said meeting and that I am the custodian of all records of the Elmhurst Public Library, including the journal of proceedings, ordinances or resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

Secretary