

RESOLUTION NO. 2018-0201

A Resolution Updating the Township's Sexual Harassment Policy

WHEREAS, the Illinois General Assembly recently enacted Public Act 100-0554 which became effective on the date it was signed by the Governor on November 16, 2017; and

WHEREAS, pursuant to the Act, each governmental unit is required to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment in compliance with Public Act 100-0554; and

WHEREAS, the Township currently maintains personnel policies which prohibit sexual harassment, and the Township wishes to update its personnel policies to conform to the requirements of Public Act 100-0554;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF THE TOWN TRUSTEES OF THE TOWN OF THE CITY OF CHAMPAIGN, CHAMPAIGN COUNTY, ILLINOIS, as follows:

Section 1. That the policy prohibiting sexual harassment attached hereto as Exhibit A is hereby adopted as the Township's policy, the Town Board finding that such policy fully complies with Public Act 100-0554. Such policy will be incorporated into the Township's personnel policies.

Section 2. That this policy shall be applicable to all employees and elected officials of the Township, including the Township Supervisor, Assessor, and members of the Town Board of Trustees.

Section 3. That this policy may be amended from time to time at the sole discretion of the Township Supervisor to update the policy to stay current with any changes in the law and to alter procedures as the Township Supervisor deems appropriate. Any such amendment shall be sent to the Board of Town Trustees prior to its taking effect.


Section 4. That this policy shall be effective immediately upon passage.

PRESENTED, APPROVED, ADOPTED AND RECORDED at the regular meeting of the Board of Town Trustees this 6th day of February, 2018 at 7:00 pm.

RESOLUTION NO. 2018- 0201

PASSED: February 6, 2018

APPROVED:  (BOARD CHAIR)


ATTEST: _____ (TOWN CLERK)

APPROVED AS TO FORM:

 (TOWNSHIP ATTORNEY)

Sexual Harassment (Updated February 6, 2018)

City of Champaign Township

Scope. This Policy covers all employees of the Township and elected Township officials, including the Township Supervisor, Assessor, and members of the Town Board of Trustees, whether interacting with other employees, elected officials, citizens, or vendors when directly related to the workplace.

Definitions.

1. *"Complainant"* The person making a complaint of sexual harassment.
2. *"Respondent"* The person alleged to have committed an act or acts of sexual harassment.
3. *"Sexual Harassment"* Any unwelcome sexual advances or requests for sexual favors of any conduct of a sexual nature when (1) submission to such conduct is made whether 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.
5. *"Hostile Work Environment"* An intimidating, hostile, or offensive working environment that interferes with an individual's work performance.

Responsibility. The Township Supervisor and the Assessor ("Supervisors"), are responsible for ensuring that employees adhere to this Policy, and it is the responsibility of each employee to abide by this Policy. Supervisors are responsible for receiving, documenting, and investigating complaints. Supervisors are responsible for maintaining a confidential file of such investigation and making disciplinary decisions where appropriate. If one Supervisor is the subject of a complaint, the other Supervisor will conduct the investigation. If both Supervisors are the subject of a complaint, the Township Attorney will conduct the investigation. If a Town Board Member is the Complainant or Respondent, the Township Supervisor will be responsible for handling the Complaint in accordance with this Policy.

Statement of Policy.

1. Sexual harassment is prohibited. The Township is committed to providing a work environment free from sexual harassment and discrimination to all employees and elected officials.
2. All discrimination and sexual harassment complaints shall be investigated.
3. Each employee and elected official is responsible for taking actions within their authority to prevent and eliminate harassment.

4. Each employee should report harassment by other employees, citizens, and vendors to the employee's Supervisor, who will take appropriate action to prevent a recurrence.
5. Elected officials should report harassment by employees, citizens, vendors, or other elected officials to the Township Supervisor, or, if the Township Supervisor is the Complainant, to the Township Attorney.
6. Employees who are found to have violated this policy will be subject to discipline, up to and including termination.

Procedure.

1. Complaints of Harassment.

- A. Complaints of harassment shall be treated seriously and with respect.
- B. A complaint must be filed within one hundred eighty (180) days from the incident unless it is a continuing offense.
- C. An employee or elected official who experiences or witnesses harassment is encouraged to directly and clearly communicate to the Respondent that the conduct is unwelcome and not allowed.
- D. Any employee who witnesses or knows of sexual harassment by an employee, vendor, elected official, or citizen shall report the harassment to his or her Supervisor.
- E. If the employee's Supervisor is the subject of a complaint, the employee should report the complaint to the other Supervisor (i.e., if the Township Supervisor is the subject of the complaint, the employee should report the complaint to the Assessor, and vice versa).
- F. Elected officials should report harassment by employees, citizens, vendors, and other elected officials to the Township Supervisor.
- G. Should an individual have concerns about privacy, confidentiality, potential retaliation, if both Supervisors are the subject of the complaint, or for any other reasons the individual deems it necessary or appropriate, the individual may make a confidential report directly to the Township Attorney.
- H. Immediate and appropriate action to address the complaint and eliminate or prevent further harassment shall be taken by the person to whom it was reported.

2. Investigations.

- A. Upon receipt of a complaint of harassment, the Supervisor (or the Township Attorney, if appropriate), will promptly and thoroughly investigate the complaint. The complaint and the investigative steps shall be thoroughly documented and shall support all findings, conclusions, and disciplinary decisions.
 - B. The Township Attorney shall work with the Supervisor as needed to ensure that the investigation is conducted properly and appropriate action is taken.
 - C. The Supervisor shall administer discipline in a timely manner where the complaint involves an employee.
 - D. If a Town Board member is the Complainant or the Respondent, the allegations will be processed by the Township Supervisor in consultation with the Township Attorney. The Township Supervisor retains discretion in the method of processing the complaint, including but not limited to retaining a neutral outside investigator to investigate the complaint or referring the matter to the Illinois Department of Human Rights or the Equal Employment Opportunity Commission (EEOC). The Township Supervisor will report all findings to the Town Board Chair (or the Deputy Town Board Chair if the Board Chair is the subject of the complaint) for further action in accordance with State and Federal law, as appropriate.
3. Posting. A summary of this Policy will be posted in all work areas. All employees should receive copies of the harassment prevention and reporting procedures. Any questions regarding this Policy should be directed to the employee's Supervisor.
4. Training. Supervisors shall conduct harassment training for all newly hired employees in addition to periodic training to ensure employees understand this Policy.
5. Reporting Options. Nothing in this Policy is intended to establish a sole means of reporting or investigating a complaint if the means prescribed would require the individual to report the complaint directly to the Respondent. If that situation occurs, the individual shall report the complaint promptly to a person of equal or higher authority than that of the Respondent.
6. Retaliation. No individual making a report in good faith under this Policy shall be subject to any negative employment consequences based upon that report, even if the report is unsubstantiated. In addition, any witness will be protected from retaliation in accordance with the State Officials and Employees Ethics Act (5 ILCS 430/15-10), the Whistleblower Act (740 ILCS 174/15), and the Illinois Human Rights Act (775 ILCS 5/6-101).
7. False Reports. Complainants are prohibited from knowingly making a false report of harassment. A knowingly false report of harassment is made for a purpose other than stopping harassment. A knowingly false report is not made in good faith, and an employee making a knowingly false report will be subject to discipline up to and including discharge. A report made in good faith but which cannot be substantiated is not a false report.

8. External Reporting. All covered individuals 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 one hundred eighty (180) days of the alleged incident unless it is a continuing offense. A complaint with the EEOC must be filed within three hundred (300) days.