
THE VILLAGE OF COAL CITY
GRUNDY & WILL COUNTIES, ILLINOIS

ORDINANCE
NUMBER 18-03

**AN ORDINANCE ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT
FOR THE VILLAGE OF COAL CITY, GRUNDY AND WILL COUNTIES, ILLINOIS**

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Published in pamphlet form by authority of the President and Board of Trustees of the Village of
Coal City

on January 10, 2018

ORDINANCE NO. 18-03

**AN ORDINANCE ADOPTING A POLICY PROHIBITING SEXUAL HARASSMENT
FOR THE VILLAGE OF COAL CITY, GRUNDY AND WILL COUNTIES, ILLINOIS**

WHEREAS, the Village of Coal City (hereinafter, “the Village”) is an Illinois municipal corporation organized and operated under the laws of the State of Illinois; and

WHEREAS, the Village is a non-home rule municipality and, as such, may exercise delegated statutory and Constitutional powers and such powers as are necessarily implied therefrom; and

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017; and,

WHEREAS, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment; and,

WHEREAS, all prior existing sexual harassment policies of the Village of Coal City shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance; and,

WHEREAS, should any section or provision of this Ordinance or the adopted Policy Prohibiting Sexual Harassment be declared to be invalid, that decision shall not affect the validity of this Ordinance or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Coal City, Counties of Grundy and Will, Illinois, as follows:

SECTION 1. RECITALS. That the foregoing recitals shall be and are hereby incorporated into and made a part of this Ordinance as if fully set forth in this Section 1.

SECTION 2. ADOPTION. The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby adopted.

SECTION 3. RESOLUTION OF CONFLICTS. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 4. SAVING CLAUSE. If any section, paragraph, clause, or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance, which are hereby declared to be separable.


SECTION 5. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

SO ORDAINED this 10th day of January, 2018, at Coal City,

Grundy and Will Counties, Illinois, pursuant to a roll call vote as follows:

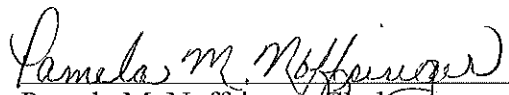
AYES: 4
NAYS: 0
ABSENT: 2
ABSTAIN: 0
PRESENT: 4

VILLAGE OF COAL CITY



Terry Halliday, President

Attest:



Pamela M. Noffsinger, Clerk

EXHIBIT A

POLICY PREVENTING SEXUAL HARASSMENT

[APPENDED HERETO ON FOLLOWING PAGES]

SEXUAL HARASSMENT PROHIBITION POLICY

Introduction

The Village of Coal City 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 sexual harassment. Therefore, the Village expects that all relationships among persons in the workplace, including relationships with members of the public, will be business-like and free of bias, prejudice and harassment.

It is the responsibility of each and every employee, officer, official, elected official, agent, volunteer, and vendor of the Village as well as anyone using the Village's facilities, to refrain from sexual harassment. The Village will not tolerate sexual harassment of or by any of its employees and elected officials. Actions, words, jokes, or comments based on an individual's sex, sexual identity or orientation, civil union partnership, or any other form of sex discrimination or harassment 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 Village prohibit disparate treatment on the basis of race, religion, age, national origin, sex, sexual identity or orientation, civil union partnership, or any other protected characteristic, with regard to terms, conditions, privileges and prerequisites of employment. The prohibition against sexual harassment, discrimination and retaliation are intended to complement and further these policies, not to form the basis of an exception to them.

Definition of Sexual Harassment

Sexual harassment means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

(iii) 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. For purposes of this definition, the phrase "working environment" is not limited to a physical location 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.

Conduct prohibited by this policy 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 Village sponsored social events.

Any employee who engages in practices or conduct constituting sexual harassment shall be subject to disciplinary action, up to and including discharge. Any Village official (including an elected or appointed official) who engages in practices or conduct constituting sexual harassment shall be subject to appropriate remedial action, up to and including removal from office.

Retaliation Is Prohibited

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

In addition to remedies afforded you in this policy, 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 James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601, (312) 814-6200. You may also have rights or recourse under the Illinois Whistleblower Act and/or the State Officials and Employees Ethics Act.

Reporting Procedure

The Village strongly urges the reporting of all incidents of sexual harassment or retaliation, regardless of the offender's identity or position. Early reporting and intervention have proven to be essential to the resolution of actual or perceived incidents of harassment. Therefore, while no fixed reporting period has been established, the Village 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 sexual harassment from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If you experience or witness sexual harassment, you should deal with the incident(s) as directly and firmly as possible by reporting the incident(s) to your immediate supervisor, your department head, and/or the Village Administrator. 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. Following are steps you can take in the reporting process:

- **Direct Communication with the Offender:** If you experience or witness sexual harassment, 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 Village Administrator. 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 Village Administrator. If the Village Administrator is the source of the problem, condones the problem, or ignores the problem, you should contact the Mayor.
- **Report to Village Administrator:** An employee may also report incidents of harassment or discrimination directly to the Village Administrator. The Village Administrator or his or her 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 Village Administrator, or if he or she condones the problem or ignores the problem, you should immediately report the incident or incidents in writing directly to the Mayor. 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 address and/or telephone number listed above, about filing a formal complaint. Thereafter, 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 (HRC), located at 100 W. Randolph St., Ste. 5-100, (312) 814-6269, or you may have the right to file a complaint on your own behalf either in circuit court or directly with the HRC.

Complaints Against Non-Employees and Third Parties

If you make a complaint alleging sexual harassment against an agent, vendor, supplier, contractor, volunteer or person using the Village's programs or facilities, the Village Administrator will investigate the incident(s) and determine the

appropriate action, if any. The Village will make reasonable efforts to protect you from further contact with such persons.

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 Village Administrator, 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 sexual harassment will be investigated promptly. The Village 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 Village serves notice that third parties, including attorneys for the Village, may be used to investigate claims of sexual harassment.

False and Frivolous Complaints

Given the seriousness of the consequences for the accused, a false and frivolous charge of harassment is a major offense that can itself result in disciplinary action, up to and including discharge or, in the case of an officer, suspension or removal from an elected or appointed position. 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.

Responsive Action

Subject to legal guidelines, the Village will make the initial determination as to whether sexual harassment has occurred based on a review of the facts and circumstances of each situation. Misconduct constituting sexual harassment 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 or demotion, temporary suspension without pay, termination, or, in the case of an officer, removal from an elected or appointed position, as the Village believes appropriate under the circumstances.

Conclusion

While we hope to be able to resolve any complaints of harassment within the Village, we acknowledge your right to contact the Illinois Department of Human Rights (IDHR) at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601, about filing a formal complaint, and, if it determines that there is sufficient evidence of harassment to proceed further, it will file a complaint with the Illinois Human Rights Commission (HRC), located at the same address on the fifth floor.

While we hope to be able to resolve any complaints of harassment within the Park District, we acknowledge your right to contact the Illinois Department of Human Rights (IDHR) at the James R. Thompson Center, 100 West Randolph Street, Suite 10-100, Chicago Illinois 60601, about filing a formal complaint, and, if it determines that there is sufficient evidence of harassment to proceed further, it will file a complaint with the Illinois Human Rights Commission (HRC), located at the same address on the fifth floor.

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