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**VILLAGE OF SUGAR GROVE  
BOARD REPORT**

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**TO:** VILLAGE PRESIDENT & BOARD OF TRUSTEES  
**FROM:** MATT ANASTASIA, FINANCE DIRECTOR  
**SUBJECT:** RESOLUTION: UPDATING SEXUAL HARASSMENT POLICY  
**AGENDA:** JUNE 2, 2020  
**DATE:** MAY 29, 2020

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**ISSUE**

Shall the Village Board approve a Resolution updating the Sexual Harassment Policy of the Village to be in compliance with the State law.

**DISCUSSION**

The Village's current sexual harassment policy must be updated to include additional language to comply with the State mandated policy. The update to the policy is to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit.

The State Law amendment revised the Illinois Human Rights Act, mandating all Illinois employers to provide annual sexual harassment training to all employees. This includes full-time, part-time, intern and independent contract personnel.

The redline version of the sexual harassment policy is attached as an exhibit for review.

**COST**

There was a slight cost for attorney fees to update our policy of an estimated \$300.

**RECOMMENDATION**

Approve Resolution 20200602HR Updating the Sexual Harassment Policy.



**RESOLUTION NO. 20200602HR**

**A RESOLUTION UPDATING ITS ANTI-HARASSMENT/DISCRIMINATION/ SEXUAL HARASSMENT POLICY**

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**WHEREAS**, the Village of Sugar Grove (“Village”) is not a home rule municipality within Article VII, Section 6A of the Illinois Constitution, and accordingly, seeks to act pursuant to the powers granted to it under 65 ILCS 5/1-1 *et seq.*; and,

**WHEREAS**, the Illinois General Assembly has recently amended Public Act 93-615 (*State Officials and Employees Ethics Act, an Act concerning government*) which became effective January 1, 2020; and,

**WHEREAS**, in accordance with the foregoing the Village wishes to update its Anti-Harassment/Discrimination/Sexual Harassment Policy to ensure compliance with the aforementioned amendment and all other applicable laws and regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the corporate authorities of the Village of Sugar Grove as follows:

**Section One:** That the Village’s Anti-Harassment/Discrimination/Sexual Harassment Policy, attached as **Exhibit A** to this Resolution, is hereby adopted. This amended policy shall supersede all prior Anti-Harassment/Discrimination/Sexual Harassment policies of the Village of Sugar Grove.

**Section Two:** This Resolution shall be in full force and effect upon passage. Should any section or provision of this Resolution or the adopted policy be declared invalid, the decision shall not affect the validity of this Resolution as a whole or any part thereof, other than the part so declared to be invalid.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Sugar Grove, Kane County, Illinois, this 2<sup>nd</sup> day of June, 2020.

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P. Sean Michels  
President of the Board of Trustees  
of the Village of Sugar Grove, Kane

County, Illinois

ATTEST: \_\_\_\_\_

Clerk, Village of Sugar Grove

	Aye	Nay	Absent	Abstain
Trustee Heidi Lendi	___	___	___	___
Trustee Ryan Walter	___	___	___	___
Trustee Sean Herron	___	___	___	___
Trustee Ted Koch	___	___	___	___
Trustee Rick Montalto	___	___	___	___
Trustee Jen Konen	___	___	___	___
Village President P. Sean Michels	___	___	___	___

## A Anti-Harassment/Discrimination/Sexual Harassment

APPLICABILITY: All elected officials, appointed officials, and employees

POLICY: It is the policy of the Village to maintain an ~~work~~-environment free of unlawful harassment and discrimination for all the Village's employees, officers, and agents. Accordingly, all Village employees, officers, and agents are prohibited from harassing or discriminating against any person ~~Harassment or discrimination~~ based ~~upon~~ ~~on~~ ~~that~~ a person's actual or perceived race, national origin, gender, age, marital status, religion, disability, sexual orientation, genetic conditions or predispositions, or certain military and veteran status, or other protected ~~characteristic~~ characteristic regardless of any employment relationship or lack thereof. ~~will not be tolerated.~~

Harassment includes, but is not limited ~~to~~ to: verbal harassment, (e.g. name-calling, letters, jokes, e-mails, slurs, racial epithets), visual harassment (e.g. cartoons, graffiti, pictures, posters), non-verbal harassment (e.g. gestures, suggestive or insulting sounds), ethnic slurs, racial epithets, physical harassment (e.g. touching, unwelcome hugging, kissing, or other physical contact, brushing the body, any coerced act or actual assault) electronic harassment (e.g. e-mails or text messages containing any of the foregoing) -and other like conduct, which is aimed at a particular employee or group of employees based upon a protected classification.

Sexual harassment is also unacceptable conduct, which violates this policy. Sexual harassment encompasses a wide range of unwanted, sexually directed behavior, and has been defined in the following manner, as further set forth in the Illinois Human Rights Act (775 ILCS 5/et seq.):

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. submission to such conduct is made either 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 unreasonable interference with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Harassment applies to the conduct of a supervisor /officer toward a subordinate, a subordinate toward a supervisor /officer, an employee toward another employee, an officer toward another officer, an employee /officer toward a non-employee, a non-employee toward an employee /officer or an employee /officer toward an applicant for employment. Harassment can apply to conduct outside the workplace as well as on the work site. Unlawful discrimination can take many forms. Unlawful discrimination may occur when employees who are similarly situated (i.e. same job position, same department, same supervisor, etc) are treated materially different

under similar circumstances due to one's race, national origin, gender, age, marital status, religion, disability, sexual orientation, genetic conditions or predispositions, or certain military and veteran status.

COMPLAINT PROCEDURE: Employees who wish to register a complaint of sexual harassment (or any form of harassment based on their race, national origin, gender, age, marital status, religion, disability, sexual orientation, or genetic information) may do so through the Finance Department, by contacting their Department Head or their supervisor, or any appropriate member of the Village's management team. The employee experiencing what he/she believes to be sexual harassment must not assume that the Village is aware of the conduct. If there are no witnesses and the complainant does not notify a supervisor or other appropriate individual, the Village will not be presumed to have knowledge of the harassment.

If there is an allegation of sexual harassment made against an elected or appointed officer of the Village by another elected or appointed officer of the Village, a complaint may be made to the Finance Department, the Village Administrator, or the Village President. The individual to whom the complaint is made shall take immediate action to retain a qualified individual or entity for independent review of the allegations. The outcome of this review shall be reported to the corporate authorities.

All allegations of harassment reported to the Village will be investigated thoroughly. The facts will determine the response of the Village to each allegation. Substantiated acts of harassment will be met with appropriate disciplinary action by the Village up to and including termination. All information regarding any specific incident will be kept confidential within the necessary boundaries of the fact-finding process.

No reprisal or retaliation against the employee/officer reporting the allegation of harassment or assisting in the investigation of a complaint reported by someone else will be tolerated. No individual shall be retaliated against, even if a complaint made in good faith is not substantiated.

All municipal employees and officers also 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 either of those entities. Generally, IDHR and EEOC complaints must be filed within 300 days of the alleged incident(s) and the employee is advised to review the specific requirements to ensure their right to file is exercised in a timely manner. The contact information for the above-referenced agencies is provided below:

The Illinois Department of Human Rights:

100 W. Randolph St., 10<sup>th</sup> Floor

Chicago, IL 60601

(312) 814- 6200

TTY (866) 740-3953

The Illinois Human Rights Commission

100 W. Randolph St., Suite 5-100

Chicago, IL 60601

(312) 814-6269

(312) 814-6517

The United States Equal Employment Opportunity Commission

230 S. Dearborn St. #1866

Chicago, IL 60606

(312) 869-8001

TTY (800) 669-4000