

SECTION XV

Adopted: Resolution No. 18-759

Village of Oak Park Personnel Manual

Date: January 16, 2018

ANTI-HARASSMENT AND ANTI-DISCRIMINATION, INCLUDING SEXUAL HARASSMENT

It is the policy of the Village of Oak Park to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees and elected officials be treated with dignity, respect, and courtesy. It will be a violation of Village policy for any employee or elected official to harass or discriminate against another individual in the workplace based upon race, color, religion, sex, national origin, age, mental or physical disability, ancestry, sexual orientation, veteran status, military status, marital status, order of protection status or any other protected category as defined by applicable law. The Village will not tolerate harassment of Village employees or elected officials by anyone, including any supervisor, co-worker, vendor, citizen, contractor, customer, elected official, or other regular visitor of the Village. Violation of this policy shall be considered grounds for disciplinary action up to and including discharge.

DEFINITION OF SEXUAL HARASSMENT

"Sexual harassment" consists of unwelcome sexual advances; requests for sexual favors; and other verbal or physical conduct of a sexual nature when made by any employee to another employee where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
2. Submission to or rejection of such conduct is used as the basis for any 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.

Sexual harassment, as defined above, may include, but is not limited to:

1. Uninvited sex-oriented verbal "kidding" or demeaning sexual innuendoes, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature;
2. Graphic or suggestive comments about an individual's dress or body;
3. Displaying sexually explicit objects, photographs or drawings;
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body; or

5. Suggesting or demanding sexual involvement of another employee whether or not such suggestion or demand is accompanied by implicit or explicit threats concerning one's employment status or similar personal concerns.
6. The use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (including but not limited to, e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages, "sexting" (electronically sending messages with sexual content, including pictures and video), and social network websites like Facebook and Twitter).

DEFINITION OF OTHER HARASSMENT

Harassment is defined as inappropriate conduct in the workplace, based upon an individual's race, color, religion, sex, national origin, age, mental or physical disability, ancestry, sexual orientation, veteran status, military status, marital status or any other protected category as defined by applicable law that has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to: (a) epithets, slurs, negative, stereotyping, or intimidating acts that are based on a person's protected status; and (b) written or graphic material circulated within or posted within the workplace that shows hostility toward a person or persons because of their protected status.

CONSENSUAL ROMANTIC OR SEXUAL RELATIONSHIPS

The Village of Oak Park strongly discourages romantic or sexual relationships between a manager or other supervisory employee and anyone who reports directly or indirectly to that individual because such relationships tend to create compromising conflicts of interest or the appearance of such conflicts. In addition, such relationship may give rise to the perception by others that there is favoritism or bias in employment decisions. Moreover, given the unequal balance of power, consent by the staff member is suspect and may be viewed as having been given as a result of coercion or intimidation. The atmosphere created by such appearances of bias, favoritism, intimidation, coercion or exploitation undermines the spirit of trust and mutual respect that is essential to a healthy work environment.

If any employee of the Village of Oak Park enters into a consensual relationship that is romantic or sexual in nature with anyone who reports directly or indirectly to that individual, the parties must notify the Human Resources Director of the Village Manager. The Village will review the situation with the human resources department to determine whether one or both parties need to be moved to another job department. If it is determined that one party must be moved, and there are jobs in other departments or divisions available to both, the parties may decide who will be the one to apply for a new position. If the parties cannot amicably come to a decision, or the party is not chosen for the position to which he or she applied, the HR Director and Village Manager will decide which party will be moved. That decision will be based on which move will be least disruptive to the Village as whole. If no jobs are available for either party, the parties will be given the option of terminating their relationship or resigning.

INVESTIGATION PROCEDURE

All Village employees and elected officials are responsible to help assure that we avoid harassment. Any individual who believes that he or she has been subjected to harassment or discrimination as prohibited by this policy or who has witnessed harassment or discrimination should report their concerns to their direct supervisor, their department head, the director of Human Resources, the Village Manager or their designee, or any other manager or supervisor, in accordance with the following procedures. If a manager or supervisor receives a report of harassment or discrimination directly from an employee, or becomes aware of such conduct, the incident(s) shall be immediately reported to the Village Manager or the Director of Human Resources or his/her designee.

1. An employee who either observes harassment or believes herself/himself to be the object of harassment is encouraged, when appropriate, to deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee, and her/his immediate supervisor. It is not necessary for sexual harassment to be directed at the person making the report.
2. All allegations, including anonymous reports, will be accepted and investigated regardless of how the matter comes to the attention of the Village. However, because of the serious implications of harassment charges and the difficulties associated with the investigation and the questions of credibility involved, the claimant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.
3. Any employee wishing to report harassment should submit a written statement to the Director of Human Resources, or alternatively, the Village Manager, or their designee, in the event that Director of Human Resources is the alleged harasser/discriminator. The written statement should state the specific facts and/or perceived wrongful act (e.g., location, names, dates, times) to be investigated. All such written statements should be submitted within thirty (30) days after the incident or act which gives rise to the complaint, although all complaints received will be investigated.
4. The Director of Human Resources or his/her designee shall promptly investigate the complaint. The Director of Human Resources or his/her designee shall make all reasonable efforts, including but not limited to convening a conference with the complainant, or the accused harasser/discriminator, to discuss the complaint and the results of the investigation, to resolve the matter informally.
5. If the complainant or the accused is not satisfied with the disposition of the investigation, he/she may submit in writing an appeal to the Village Manager or his/her designee, who will review the investigation report and make a final decision. At the discretion of the Village Manager, a designee may conduct further investigation, if necessary.
6. The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the Village's legal obligations and with the necessity to

investigate allegations of misconduct and to take corrective action when this conduct has occurred.

7. A false report is a report of harassment made by an accuser using the harassment report to accomplish some end other than stopping harassment or retaliation for reporting harassment. A false report is not a report made in good faith which cannot be proven. If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate discipline, including the possibility of discharge.
8. Reporting harassment, discrimination or retaliation or participating in an investigation or legal proceedings will not reflect adversely upon an individual's status or affect future employment. Any employee who retaliates against another for exercising their rights under this policy shall be subject to discipline up to and including discharge. For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment that is taken in retaliation for involvement in protected activity pursuant to this policy. In addition, any witness will be protected from retaliation. No individual making a good faith report will be retaliated against even if a report made in good faith is not substantiated.
9. Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:
 - Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
 - Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
 - Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.
10. Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), the Village will not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, the Village will not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).
11. A substantiated charge against an employee will subject the employee to disciplinary action, up to and including discharge.

~~11.12.~~If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Human Resources Director or designee may recommend appropriate preventative action.

~~12.13.~~The filing of a complaint under the procedures described herein shall not limit, extend, replace or delay the right of any person to file a similar complaint or charge with any appropriate local, State, or federal agency or court.

14. All Village employees 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 300 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

ELECTED OFFICIALS

Allegations of harassment, including sexual harassment, made against an elected official by another elected official shall be reported to the Village Manager, the Director of Human Resources or the Village Attorney, who would promptly notify the Village Ethics Committee. The ethics committee would subsequently be responsible for designating an individual or group of individuals to investigate the allegation.

DISSEMINATION

The Village shall take reasonable measures to assure that employees are informed of this policy and procedure by posting. A copy is also available from Human Resources.

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POLICY ACKNOWLEDGEMENT FORM

I acknowledge that I have been provided a copy of **Section XV of the Village of Oak Park Policy Manual: Anti-Harassment & Anti-Discrimination Including Sexual Harassment** as it was adopted by the Village of Oak Park Board of Trustees on January 16, 2018.
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I acknowledge that I have attended the required training and was provided the opportunity to ask questions and gain clarification on **Section XV of the Village of Oak Park Policy Manual: Anti-Harassment & Anti-Discrimination Including Sexual Harassment.**

I acknowledge that I understand my rights and responsibilities as defined in **Section XV of the Village of Oak Park Policy Manual: Anti-Harassment & Anti-Discrimination Including Sexual Harassment.**

I understand that a copy of this Acknowledgement Form will be placed in my personnel file.

Print Your Name

Your Signature

Date