

**GLENCOE PARK DISTRICT
ORDINANCE NO. 877**

**AN ORDINANCE ESTABLISHING AN UPDATED SEXUAL HARASSMENT POLICY
FOR THE GLENCOE PARK DISTRICT IN ORDER TO COMPLY WITH PUBLIC ACT
100-0554**

WHEREAS, the Glencoe Park District is a non-home rule unit of local government; and

WHEREAS, Public Act 100-0554 requires units of local government to adopt a resolution or ordinance establishing a sexual harassment policy that complies with the new statutory requirements for such policies; and

WHEREAS, the Board of Commissioners of the Glencoe Park District wish to amend Appendix B of its Full-time and Part-time Manuals to comply with P.A. 100-0554.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE GLENVIEW PARK DISTRICT THAT:

Section 1. Appendix B of the Glencoe Park District Full-time and Part-time Manuals are hereby amended to comply with Illinois Public Act 100-0554, which amended version is attached to this Ordinance as Exhibit A.

Section 2. The above "Whereas" recitals are incorporated into and made part of this Ordinance.

Section 3. All ordinances, resolutions, and regulations in conflict with this Ordinance are hereby repealed to the extent of such conflict.

Section 4. This Ordinance is effective immediately upon its passage and approval.

PASSED this 12th Day of December, 2017

VOTE: Ayes: Boron, Brooks, Gaines, Lutton, Onderdonk
 Nays: None
 Absent: None
 Abstentions: None

Dudley Onderdonk, President
Board of Park Commissioners

ATTEST:

Lisa M. Sheppard, Secretary
Board of Park Commissioners

[SEAL]

STATE OF ILLINOIS)
) SS
COUNTY OF COOK)

SECRETARY'S CERTIFICATE

I, Lisa M. Sheppard, do hereby certify that I am Secretary of the Board of Park Commissioners of the Glencoe Park District, Cook County, Illinois, and as such official, I am keeper of the records, ordinances, files and seal of said Park District; and,

I HEREBY CERTIFY that the foregoing instrument is a true and correct copy of Ordinance No. 877:

AN ORDINANCE ESTABLISHING AN UPDATED SEXUAL HARASSMENT POLICY FOR THE GLENCOE PARK DISTRICT IN ORDER TO COMPLY WITH PUBLIC ACT 100-0554

adopted at a duly called Regular Meeting of the Board of Park Commissioners of the Glencoe Park District, held at Glencoe, Illinois, in said District at 6:00 p.m. on the 12th day of December 2017.

I DO FURTHER CERTIFY that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Park District Code of the State of Illinois, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

IN WITNESS WHEREOF, I hereunto affix my official signature and the seal of the Glencoe Park District at Glencoe, Illinois this 12th day of December 2017.

Lisa M. Sheppard, Secretary
Board of Park Commissioners
Glencoe Park District

[SEAL]

APPENDIX B: POLICY PROHIBITING HARASSMENT IN THE WORKPLACE

Each and every employee, officer, director, member, agent, guest and vendor of the Glencoe Park District, as well as every person using Park District property, shall refrain from the harassment, discrimination, or intolerance of any other person because of his or her race, color, religion, national origin, ancestry, age, sex, marital status, sexual orientation or identity, civil union partnership status, disability, military status, unfavorable discharge from military service, record of arrest, or genetic information. Any such harassment, discrimination, and intolerant behavior may be illegal, unacceptable, and will not be tolerated by the Park District.

Definition of Harassment in General

Harassment on the basis of any protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability, alienage or citizenship status, marital status, creed, genetic predisposition or carrier status, sexual orientation or identity, civil union partnership, or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail).

Definition of Sexual Harassment

Sexual harassment is a form of discrimination prohibited by Title VII of the U. S. Civil Rights Act of 1964, as amended, the Illinois Human Rights Act, and the State Officials and Employees Ethics Act.

It is the responsibility of each individual employee and elected or appointed officer or official to refrain from sexual harassment and it is the right of each individual employee and elected or appointed officer or official to work in an environment free from sexual harassment.

Under the Illinois State Officials and Employees Ethics Act, sexual harassment is defined as:

Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature 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 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 where an employee is assigned to perform his or her duties and does not require an employment relationship.

Conduct commonly considered sexual harassment includes, but is not limited to:

- Verbal: Unwanted sexual advances, sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature

For example, if an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity, this would constitute sexual harassment. If an otherwise qualified individual is denied employment opportunities or benefits because he or she refused to submit to sexual advances, or if such opportunities or benefits are given to another individual who, either voluntarily or under coercion, submits to sexual advances or grants sexual favors, this would constitute sexual harassment.

- Non-Verbal: Suggestive or insulting sounds (e.g., whistling, catcalls, smacking, kissing, noises), leering, obscene gestures, or sexually suggestive bodily gestures
- Visual: Posters, photographs, artwork, signs, buttons, shirts, stickers, pin-ups or slogans of a sexual nature
- Physical: Unwelcome or unwanted touching, hugging or kissing, pinching, brushing the body, sexual intercourse, or assault
- Conduct Lacking Any Sexual Overtone: Taking or sabotaging an employee's tools, equipment or work product, vandalizing an employee's personal property

The most severe and overt forms of sexual harassment are easier to identify. On the other hand, some sexual harassment is subtle and depends to some extent on an individual's perception and interpretation. The courts will assess sexual harassment by a standard of what would offend both the victim of the alleged harassment as well as the "reasonable person" in the alleged victim's situation.

An example of the subtlest form of sexual harassment is the use of endearments. The use of terms such as "honey, darling, and sweetheart" is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level. Therefore, you should treat other employees with respect and not use names or terms that may be offensive.

Words that you may intend as a compliment could be interpreted as sexual harassment. Below are three statements that might be made about the appearance of a woman:

- That's an attractive dress you have on.
- That's an attractive dress. It really looks good on you.
- That's an attractive dress. You really fill it out well.

The first statement appears to be simply a compliment while the last statement may be perceived as sexual harassment. The main difference between the statements is the wording used to express the general idea that the woman is wearing a nice dress. Therefore, choose words carefully and do not use a tone of voice that is offensive or sexually suggestive. The words you choose and the tone of voice that you use may be the difference between a compliment and sexual harassment. To avoid the possibility of offending another person, it is best to treat others with respect and to err on the side of caution.

Sexual harassment frequently involves a man harassing a woman, but it can also involve a woman harassing a man or harassment between members of the same sex if the harassment occurs because of the victim's sex, sexual identity, or sexual orientation.

Definition of Religious Harassment

Title VII also prohibits employees from being harassed because of his or her religious beliefs. Religious harassment includes, but is not limited to: (1) hostility towards a person because of their religion; and/or (2) proselytizing because of that person's sincerely held religious beliefs.

Hostility based religious harassment includes instances where the employee is antagonized, ridiculed, and harassed because of his or her religious beliefs or lack thereof, either by coworkers or supervisors. Hostility is defined as any comment or behavior directed against a religious belief. These may be comments meant to mock or undermine an employee's deeply held belief. Whether these remarks are made by coworkers or supervisors, they are prohibited under Title VII and are considered

religious harassment prosecutable by law.

The second type of religious harassment, proselytizing, tends to arise when a coworker or supervisor “preaches” to an employee, and the employee perceives that behavior to be unwanted and offensive, which may result in a hostile environment. This form of harassment can take the form of comments, unwanted or repeated invitations to a religious event or organization, or the dissemination of religious literature or website content.

Definition of Intolerance

Intolerance is defined as a lack of toleration or an unwillingness or refusal to tolerate or respect contrary opinions or beliefs and/or persons of different races, color, national origin, ancestry, religions, age, sex, sexual orientation or identity, marital status, civil union partnership status, military status, disability, or any other characteristic protected by law.

Procedures for Filing a Complaint

You are encouraged to immediately report any incident of harassment, discrimination, or intolerant behavior in the workplace that is prohibited by this policy, so that the Park District can respond promptly and take appropriate action. You should report harassment, discrimination, and intolerant behavior regardless of who the offender may be or whether or not you are the intended victim. If the Park District’s investigation substantiates your complaint, the reported employee or officer or official may be subject to disciplinary action, as appropriate, up to and including dismissal or removal from office. The Park District will not retaliate against you for making a complaint, even if the complaint is not substantiated, provided that you made the complaint in good faith. In addition, the Park District will not retaliate against any witness or other person supporting a claim of harassment, discrimination, and intolerant behavior or otherwise cooperating with an investigation of workplace harassment, discrimination, and intolerant behavior if his or her participation is made in good faith.

If you witness or experience harassment in the workplace that is prohibited by this policy, you should respond to the incident(s) as directly and firmly as possible by clearly communicating your disapproval of the conduct to the offending person, your Supervisor, and/or the Executive Director. 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). Documentation can include letters, notes, memos, and telephone messages. It is not necessary that the harassment be directed at you for you to make a complaint. To the greatest extent possible, the Park District will keep your complaint confidential.

Your response to harassment in the workplace may include any or all of the following steps:

- **Direct Communication with Offender:** If harassment, discrimination, or intolerant behavior occurs in the work-place, you should directly and clearly express your objection to the offending person(s) regardless of whether or not the behavior is directed at you. If you are the target or subject of such harassment, discrimination, or intolerant behavior, employee, you should clearly state that the conduct is unwelcome and the offending behavior must stop. Your initial response may be oral or written, but you should document your objection. If subsequent communication to the offending person is necessary, it should be made in writing.
- **Report to Supervisory and Administrative Personnel:** At the same time that you communicate directly with the offending person, you should promptly report the offending behavior to your immediate Supervisor or the Executive Director, especially if you feel threatened or intimidated by the offending person. If the subject employee is your immediate Supervisor, you should report the problem to the next level of supervision or the Executive Director. If the subject employee is the Executive Director, you should report the matter to the Board of Park Commissioners. Any supervisor who receives a report of harassment, discrimination, or intolerant behavior must immediately notify the Executive Director. The Executive Director or his designee will immediately investigate the complaint and take appropriate corrective action if the complaint is substantiated. All employees must cooperate with any investigation by the Executive Director or his designee of a complaint of harassment, discrimination, or intolerant behavior.
- **Report to Executive Director/Board of Park Commissioners:** An employee may also report any incidents of harassment, discrimination, or intolerant behavior that is prohibited by this policy directly to the Executive Director. The Executive Director or his designee will immediately investigate the complaint and take appropriate corrective action when a complaint is substantiated. If your complaint alleges harassment, discrimination, or intolerant behavior by the Executive Director, you should immediately report the incident or incidents in writing directly to the Board of Park Commissioners. One member of the Board or the Board's designee will conduct the investigation and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment, discrimination, or intolerant behavior conduct the investigation. All employees must cooperate with any investigation of workplace harassment, discrimination, or intolerant behavior.
- **Resolution Outside the Park District:** Most complaints concerning harassment in the workplace can be resolved within the Park District. However, you have the right to file a formal charge with the Illinois Department of Human Rights (IDHR), contact information for which is set

forth in the “Administrative Contacts” section of this policy, or the Equal Employment Opportunity Commission (EEOC). A complaint with IDHR must be filed within 180 days of the alleged incident(s). A complaint with the EEOC must be filed within 300 days of the alleged incident(s).

If you make a complaint alleging harassment against a member, agent, guest, or vendor, the Executive Director will investigate the incident(s) and determine the appropriate action, if any. Every reasonable effort will be made to protect you from further contact with such person. You should recognize, however, that the Park District has limited control over the actions of non-employees.

If you have been physically harassed, threatened or assaulted while on the job you may also have grounds for criminal charges. You should contact the State’s Attorney Office for further information.

False and Frivolous Complaints

A false and frivolous charge refers to a situation where the accuser is using a harassment, discrimination, sexual harassment, or intolerance complaint to accomplish some end other than stopping behavior in the workplace. It does not refer to charges made in good faith that cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that may result in disciplinary action up to and including dismissal or removal from office.

Retaliation is prohibited

The Glencoe Park District is sensitive to the feelings of its employees and will make every reasonable effort to conduct an investigation in a responsible and confidential manner. If you feel uncomfortable discussing harassment with the Executive Director, or if you believe the Executive Director is not enforcing this policy, you are encouraged to bring the matter directly to the Board of Park Commissioners. The Park District prohibits retaliation against any individual who reports discrimination, harassment, or intolerant behavior, or participates in an investigation of such reports. Retaliation against an individual for reporting harassment, sexual harassment, discrimination, or intolerant behavior or for participating in an investigation of such reports is a serious violation of this policy and will be subject to disciplinary action. You will not face retaliation if you, in good faith, bring such conduct to Supervisory staff, the Executive Director or the Board of Park Commissioners attention nor will you face retaliation if you, in good faith, testify, assist or participate in the investigation of your complaint. Employees or officers or officials that are found to have committed the conduct that is prohibited by this policy will be subject to disciplinary action up to and including dismissal or removal from office.

If an employee believes that he or she has been retaliated against for resisting or reporting harassment, the employee should report such retaliation in the same manner as is provided for reporting harassment in the workplace, set forth above. A complaint based on retaliation also may be filed with the IDHR or EEOC. Such a complaint of

retaliation must be filed with the IDHR within 180 days of the alleged retaliation or within 300 days of the alleged retaliation if the complaint will be made with EEOC. Persons who report allegations of sexual harassment or retaliation for reporting or resisting sexual harassment also may have whistleblower protections under the State Officials and Ethics Act, the Illinois Whistleblower Act, and the Illinois Human Rights Act.

Administrative Contacts

If you believe that your complaint of harassment or discrimination was not properly investigated or handled or you believe that you are being retaliated against for filing a complaint, testifying, assisting or participating in an investigation, or you wish to pursue other means of investigation, you may contact:

Illinois Department of Human Rights
Commission
(312) 814-6200 Chicago
(312) 263-1579 TDD Chicago
(217) 785-5100 Springfield
(217) 785-5119 TDD Springfield

Equal Employment Opportunity

(312) 353-2713 Chicago
(800) 669-3362
(800) 800 3302 TDD