

RESOLUTION 2018-001 PASSED: JANUARY 8, 2018

**ADOPTING AN ANTI-SEXUAL HARASSMENT
POLICY FOR THE CITY OF DEKALB, ILLINOIS.**

WHEREAS, the City of DeKalb is a home-rule municipality with the power and authority conferred thereupon by virtue of the Illinois Constitution, the Illinois Municipal Code and the City Code of the City of DeKalb; and

WHEREAS, the sexual harassment is unlawful and discriminatory, and has incredibly adverse impacts upon those at whom it is directed; and

WHEREAS, the City Council of the City of DeKalb wishes to clearly and unequivocally state that it does not tolerate sexual harassment; and

WHEREAS, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, pursuant to which each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

Section 1: The City Council of the City of DeKalb hereby formally adopts an updated Non-Discrimination and Anti-Harassment Policy contained in the City's Personnel Manual as required by Public Act 100-0554 in the form attached hereto as Exhibit A.

Section 2: That the City Clerk of the City of DeKalb, Illinois be authorized and directed to attest the Mayor's Signature and shall be effective thereupon.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois, at a Regular meeting thereof held on the 8th day of January, 2018, and approved by me as Mayor on the same day. Passed by a 7-0-1 Omnibus roll call vote under the Consent Agenda. Aye: Jacobson, Finucane, Fagan, Noreiko, Verbic, Faivre, Smith. Nay: None. Absent: Marquardt.

ATTEST:


SUSANNA HERRMANN, City Clerk


The seal is circular with a double border. The outer border contains the text "CITY OF DE KALB" at the top and "STATE OF ILLINOIS" at the bottom. The inner circle features a central emblem depicting a figure holding a scale and a sword, with the word "DEKALB" written below the emblem.


JERRY SMITH, Mayor

FROM THE CITY OF DEKALB PERSONNEL MANUAL

NON-DISCRIMINATION AND ANTI-HARASSMENT

It is the City's policy to maintain a work environment free from all forms of harassment and discrimination and to insist that all employees be treated with dignity, respect, and courtesy. It is a violation of City policy for any employee 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, arrest record, or any other protected category as defined by applicable law. This policy forbids any employee, supervisor, manager, vendor, client, customer, or other person to discriminate against, harass, or retaliate against any employee or applicant of the City. Violations of this policy will be considered grounds for disciplinary action, up to and including termination.

Prohibited Conduct

This policy prohibits harassment or other workplace discrimination based on an employee's or applicant's legally protected status. This includes conduct, whether verbal, physical, or visual, that disparages or shows hostility or aversion toward an individual based upon a legally protected status. The City will not tolerate harassing conduct that has the purpose or effect of interfering unreasonably with an individual's work performance, affecting an individual's tangible job benefits, or creating an intimidating, hostile, or offensive work environment.

The conduct forbidden by this policy specifically includes, but is not limited to:

- Derogatory terms, nicknames, slurs, negative stereotyping, or intimidating acts that are based on a person's protected status; and
- Written or graphic material circulated, available on the City's computer systems, or posted or distributed within the workplace that shows hostility toward a person or persons because of their protected status.

The City prohibits any such conduct in the workplace and in any work-related setting outside the workplace, such as during business trips, training, seminars, meetings, and work-related social events. This policy prohibits harassment or other workplace discrimination based on an individual's protected status, even if it does not rise to the level of a legal violation.

Sexual Harassment

Sexual harassment deserves special mention. Sexual harassment can take several forms. Sexual harassment includes any harassing conduct based on gender or sexual orientation, regardless of whether the conduct is sexual in nature. Any unwelcome conduct based on gender or sexual orientation is also forbidden by this policy regardless of whether the individual who engaged in the harassment and the individual being harassed are of the same or different genders.

Sexual harassment is defined as any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature or a discriminatory nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or when
- Submission to or rejection of such conduct by an individual is used as a basis for employment or decisions affecting an employee; or when
- Such conduct has the purpose or effect of substantially interfering with an individual's employment or performance or creating an intimidating, hostile, or offensive employment environment.

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

- Repeated, unwelcome, sexually-oriented verbal "kidding," criticism, or demeaning sexual innuendoes.
- Unwelcome touching, such as patting, pinching, or other physical contact of a sexual nature.
- Sexually demeaning or leering expressions, sexually suggestive or insulting noises, whistling, or comments, or obscene gestures.
- The display of sexually-oriented visuals.
- Suggesting sexual involvement to or demanding sexual involvement of another employee, over whom the employee has supervisory authority or where such person has made it clear to an individual that such suggestion or demand is accompanied by implied or explicit threats concerning employment status or similar personal concerns.
- Repeated unwelcome humor about sex or gender specific traits or stereotypes.
- Sexual harassment may also include intentionally mistreating an individual because of the individual's gender, and engaging in such harassing conduct continuously for such a period of time that the mistreatment substantially interferes with the employee's ability to perform his/her job.

Responsibility of Employees

Each individual employee has the responsibility to refrain from prohibited discrimination or harassment in the workplace. It is important that employees be sensitive to other employees' feelings. What may seem innocent behavior or a joke, may not be perceived the same way by another employee. Every employee is expected to avoid any behavior or conduct that could be interpreted as prohibited conduct under this policy.

Reporting Complaints of Discrimination or Harassment

If an employee experiences or witnesses any conduct they believe is inconsistent with this policy, the City expects the employee to immediately report the conduct to his or her immediate supervisor, department director, Human Resources Director, Assistant City Manager or City Manager. This policy does not require that the employee report the conduct to any individual who is engaging in the conduct. If the employee believes that any person to whom such a report should be directed is involved in or associated in any way with the alleged conduct, then the report should be directed to another department director not involved in the conduct. Employees need not follow the chain of command to report a complaint or discuss offending behavior with the employee offender.

Any supervisor or manager who has knowledge of suspected prohibited conduct, or to whom a complaint has been made, must promptly report the conduct to the department director and the Human Resources Director. The failure of a supervisor to report suspected violations of this policy may result in disciplinary action, up to and including termination.

Employees are encouraged to use the above complaint procedure to report and resolve their complaints of discrimination, harassment, or retaliation. However, all employees have the right to file formal charges with the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC). Employees may contact the IDHR at 100 West Randolph Street, Suite 10-100, Chicago, Illinois 60601 (312-814-6245); employees may contact the EEOC at 500 West Madison Street, Suite 2800, Chicago, Illinois 60661-2506 (1-800-669-4000).

City Investigation and Response

All reports describing conduct that is inconsistent with this policy will be investigated promptly. The City may put reasonable interim measures in place, such as a leave of absence or a transfer, while the investigation takes place. Although complete confidentiality in investigating complaints and imposing any discipline cannot be guaranteed, the City will attempt to preserve confidentiality to the extent that the needs of the situation permit.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred, then the City will take corrective action, including discipline up to and including termination, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The City may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law or even a violation of this policy. If the person who engaged in conduct that violates this policy is not employed by the City, then the City will take whatever action is reasonable and appropriate under the circumstances.

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy against harassment in the workplace are not furthered where a complaint is found to be false and frivolous and made to accomplish some

other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven.

Policy Prohibiting Retaliation

The City forbids that any employee treat any other employee, former employee, or applicant adversely for making a making a good-faith complaint of harassment; assisting or cooperating in an investigation of a complaint by someone else, whether internally or with an external agency; filing a charge of discrimination or harassment; or otherwise providing information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such actions. Any employee who retaliates against another for exercising their rights under this policy shall be subject to discipline up to and including immediate termination. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the complaint reporting procedures stated above.

Any questions concerning this policy should be directed to the Human Resources Director.