BARRINGTON AREA PUBLIC LIBRARY DISTRICT

RESOLUTION NO. 2018-1

RESOLUTION APPROVING AND ADOPTING AN UPDATED
SEXUAL HARASSMENT POLICY
TO CONFORM TO ILLINOIS PUBLIC ACT 100-0554

WHEREAS, Illinois General Assembly recently enacted Public Act 100-0554, which requires all governmental units to adopt by ordinance or resolution a policy prohibiting sexual harassment and requires certain other mandated employee-protective policy requirements; and

WHEREAS, the Board of Library Trustees of the Barrington Area Public Library District (the “District”) has previously adopted and maintained Sexual Harassment Policy; and

WHEREAS, the District’s current Sexual Harassment Policy included a prohibition against sexual harassment, but it did not conform to all of the new state law mandated requirements; and

WHEREAS, the Board of Library Trustees on January 8, 2018 voted and determined that it was in the best interest of District, its officials, employees, and patrons to make certain revisions to the Sexual Harassment Policy, as set forth in attached Exhibit “A”, in order to bring the Policy into compliance with Public Act 100-0554; and

WHEREAS, the Board of Library Trustees has determined that adoption of this resolution to codify the approved revisions to the Sexual Harassment Policy (Exhibit “A”) is necessary to comply with the provisions of Public Act 100-0554.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF LIBRARY TRUSTEES OF THE BARRINGTON AREA PUBLIC LIBRARY DISTRICT, COOK, KANE, LAKE AND MCHenry COUNTIES, ILLINOIS AS FOLLOWS:

SECTION 1: Each of the Whereas clauses above are incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

SECTION 2: The Board of Library Trustees approves and adopts the Sexual Harassment Policy, attached hereto as Exhibit “A” and incorporates said Policy herein by reference as if it were fully set forth herein.

SECTION 3: The updated Sexual Harassment Policy (Exhibit “A”) supersedes all prior personnel and/or employee policies related to the same topic and regulations, including without limitation the previous version of Sexual Harassment Policy approved by the Board of Library Trustees.

SECTION 4: The updated Sexual Harassment Policy (Exhibit “A”) shall remain in full force and effect until such time as it is further revised or amended by the Board of Library Trustees.
SECTION 5: That this Resolution shall be in full force and effect from and after its adoption and approval as provided by law.

PASSED this 12th day of February 2018, pursuant to a roll call vote as follows:

AYES: 6
NAYS: 0
ABSENT: 1

APPROVED:

[Signature]
President

ATTEST:

[Signature]
Secretary
EXHIBIT “A”

8.20 Internal Concerns/Conflicts

Upon request, an opportunity will be provided for impartial discussion on personnel matters or unresolved conflicts. Use of this procedure is restricted to active employees and for issues or actions other than harassment, a discrimination complaint or discharge by the Executive Director.
If discussion is desired, the employee should take the following steps:

1. Discuss the concern/conflict and the preferred resolution with the Department Head of the area in which the concern/conflict arose.

2. If the concern/conflict cannot be resolved to the employee’s satisfaction, the employee can present the concern/conflict, preferred resolution, and discussion outcome with Human Resources who will consult with the Executive Director. This should be done with the full knowledge and/or presence of the Department Head.

3. In the event the employee still feels the matter is not satisfactorily resolved, an appeal may be submitted in writing to the Personnel Committee of the Board of Library Trustees. This should be done through and with the full knowledge of the Executive Director.

4. The Personnel Committee will schedule a meeting and all parties will be notified as to when the grievance will be heard. The Department Head, Executive Director, Human Resources Specialist, and the employee will have opportunities to make oral presentations and/or written presentations. The employee may be accompanied by an individual of her/his choice. The Personnel Committee will render its decision in writing.

5. Failing satisfactory resolution, the employee may present the grievance to the president of the Board of Library Trustees, requesting a hearing by the Board. The employee, Department Head, Executive Director, Human Resources Specialist, and members of the Personnel Committee will have opportunities to make oral presentations and/or written presentations. The employee may be accompanied by an individual of her/his choice. The Board of Library Trustees will render its decision in writing. The decision of the Board of Library Trustees shall be final.

Appropriate written statements concerning the concern/conflict may become a part of the personnel file of the employee.

Management and Human Resources will be responsible for assuring that no retaliation is made to the employee for bringing forth the concern/conflict.
8.21 Anti-Harassment and Anti-Discrimination (Including Sexual Harassment)

It is the policy of the Library to maintain a work environment free from all forms of harassment, bullying, and discrimination. It will be a violation of this policy for any employee to harass, bully, or discriminate against another individual in the workplace based upon race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information, ancestry, sexual orientation, veteran status, military status, marital status, order of protection status, citizenship status, gender identity or any other protected category as defined by applicable law.

The Library will not tolerate harassment of employees by anyone, including any manager, co-worker, vendor, client, contractor, customer, or other visitor of the Library. Violation of this policy shall be considered grounds for disciplinary action up to and including discharge.

8.21.1 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:

- Submission to such conduct is made either explicitly or implicitly a term or condition of a person’s employment;

- Submission to or rejection of such conduct is used as the basis for any employment decisions affecting such individual; or

- 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:

- Uninvited sex-oriented verbal innuendos, comments, insults, humor, and jokes about sex, anatomy or gender-specific traits, or the use of hate or foul language towards others. Referring to sexual propositions, repeated requests for dates, or statements about others, even outside of their presence, of any sexual nature.

- Graphic or suggestive comments or sounds, obscene or sexually suggestive gestures, gestures or sexual comments about an individual’s dress or body.

- Displaying sexually explicit objects, photographs or drawings. Viewing pornographic material or websites in staff assigned areas.

- Unwelcome touching, such as hugging, kissing, patting, pinching, or constant brushing against another’s body including coerced sexual acts or assault.
• Sending electronic messages with sexual content, use of sexually explicit language, any form of electronic harassment, cyber stalking or threats via all forms of electronic communications and social media.

• 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.

Even if two or more employees are engaging in consensual conduct, such conduct could constitute harassment of or discrimination against another employee who witnesses or overhears the conduct.

8.21.2 Definition of Other Harassment
Inappropriate conduct in the workplace, based upon an individual’s protected class or otherwise 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 or otherwise.

8.21.3 Investigation Procedure
Any individual who believes that she/he has been subjected to harassment or discrimination as prohibited by this policy or who has witnessed harassment or discrimination shall immediately notify their manager, the Person in Charge or Human Resources, in accordance with the following complaint procedures. If a manager receives a complaint of harassment or discrimination directly from an employee, or becomes aware of such conduct, the complaint shall be immediately reported to Human Resources and the Executive Director or her/his designee.

An employee may be asked to submit (i.e., the “complainant”) a written statement to Human Resources as soon as possible. The written statement will state the specific facts and/or perceived wrongful act (e.g., location, names, dates, times) to be investigated.

Additionally, the employee has the right to file a complaint in accordance with the Ethics Act (see section 8.21.4).

Human Resources or her/his designee shall promptly investigate the complaint. Human Resources or her/his 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.
If the complainant or the accused is not satisfied with the disposition of the investigation, she/he may submit in writing an appeal to the Executive Director or her/his designee, who will review the investigation report and make a final decision.

Reporting harassment, discrimination or retaliation, or participating in an investigation will not reflect adversely upon an individual’s status or affect future employment. Any form of retaliation against an employee who reports harassment or discrimination or participates in an investigation is strictly prohibited by the Illinois Human Rights Act, the Illinois State Officials and Employees Ethics Act, the Illinois Whistleblower Act, Title VII of the Civil Rights Act of 1964, and this policy. Any employee who retaliates against another for exercising their rights under this policy shall be subject to the appropriate discipline, up to and including discharge.

The rights to confidentiality, both of the complainant and of the accused, will be respected whenever possible. An investigation by Human Resources will take into consideration the Library’s legal obligations, the Employees Ethics Act requirements and the necessity to investigate the allegations fully including any corrective actions deemed appropriate.

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, up to and including discharge.

A substantiated charge against an employee will subject the employee to disciplinary action, up to and including discharge. 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, federal agency or court.

8.21.4 Legal Procedure

It is hoped that sexual harassment complaints and incidents can be resolved through the Library’s internal complaint process established above. However, an individual has the right to contact, file a complaint with, request an investigation by, and/or seek recourse through:

- The Illinois Department of Human Rights 100 W. Randolph St., Suite 10-100, Chicago, IL 60601, 312-814-6200 within 180 days.

- The Illinois Human Rights Commission 100 W. Randolph St., Suite 5-100, Chicago, IL 60601, 312-814-6269.

- The U.S. Equal Employment Opportunity Commission 500 W. Madison St., Suite 2800, Chicago, IL 60661, 312-353-2713 within 300 days.
SECRETARY’S CERTIFICATE

I, Barbara Pintozzi, the duly qualified and acting Secretary of the Board of Library Trustees of the Barrington Area Public Library District, Cook, Kane, Lake and McHenry Counties, Illinois, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

RESOLUTION NO. 2018-1

RESOLUTION APPROVING AND ADOPTING AN UPDATED SEXUAL HARASSMENT POLICY TO CONFORM TO ILLINOIS PUBLIC ACT 100-0554

which Resolution was duly adopted by said Board of Library Trustees at a meeting held on the 12th day of February, 2018.

I further certify that a quorum of said Board of Library Trustees was present at said meeting and that the Board of Library Trustees complied with all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 12th day of February, 2018.

[Signature]
Secretary