



**RESOLUTION NO. 2018-001**

**A Resolution Adopting a Policy Prohibiting Sexual Harassment  
for the Village of Montgomery**

**WHEREAS**, the Illinois General Assembly has recently enacted Public Act 100-0554, an Act concerning government, which became effective immediately, dated November 16, 2017;

**WHEREAS**, pursuant to the Act, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment;

**WHEREAS**, all prior existing sexual harassment policies of the Village of Montgomery shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Resolution; and

**WHEREAS**, should any section or provision of this Resolution or the adopted Policy Prohibiting Sexual Harassment be declared to be invalid, that decision shall not affect the validity of this Resolution or adopted Policy Prohibiting Sexual Harassment as a whole or any part thereof, other than the part so declared to be invalid;

**NOW, THEREFORE, BE IT RESOLVED** by the Village President and the Board of Trustees of the Village of Montgomery as follows:

(1) The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Resolution, is hereby adopted.

(2) This resolution shall be in full force and effect from and after its passage, approval, and publication as provided by law.

**PASSED AND APPROVED** by the President and Board of Trustees of the Village of Montgomery, Kane and Kendall Counties, Illinois, this 8<sup>th</sup> day of January, 2018.

*M.B.*

Matthew Brolley,  
President of the Board of Trustees of the Village  
of Montgomery, Kane and Kendall Counties,  
Illinois

AYES: 5

NAYS: 0

ABSENT: 1

ATTEST: *Penny FitzPatrick*

Penny FitzPatrick  
Clerk, Village of Montgomery



## Exhibit A

### **Anti-Harassment / Discrimination Policy**

The Village is committed to maintaining a work environment that is free of harassment and discrimination for all employees. In keeping with this commitment, the Village will not tolerate harassment or discrimination of employees by anyone, including any supervisor, co-worker or vendor of the Village.

Harassment or discrimination consists of unwelcome conduct, whether verbal, physical or visual, that is based upon a person's protected status, such as sex, color, race, ancestry, religion, national origin, genetics, age, physical handicap, medical condition, pregnancy, disability, marital status, veteran status, citizenship status, or other legally protected group status. The Village will not tolerate harassing or discriminating conduct that affects tangible job benefits, that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive working environment. Harassment includes, but is not limited to, name-calling, letters, jokes, email, cartoons, graffiti, pictures, posters, gestures, ethnic slurs, racial epithets, and other conduct, which is aimed at a particular employee or group of employees.

Harassment applies to the conduct of a supervisor toward a subordinate, a subordinate toward a supervisor, an employee toward another employee, an employee toward a non-employee, a non-employee toward an employee or an employee 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.

#### **Sexual Harassment**

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:

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

- Submission to the conduct is an explicit or implicit term or condition of employment.
- Submission to or rejection of the conduct is used as the basis for an employment decision, or
- The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is conduct based on sex, whether directed toward a person of the opposite sex or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", "practical jokes", jokes about obscene printed

or visual material, and physical contact such as patting, pinching or brushing against another's body.

### **Harassment Reporting Procedures**

Harassment, when experienced or observed, must be promptly reported to the employee's supervisor, the Village Administrator or any other member of Village management. Supervisory personnel shall take appropriate action when they become aware of potential sexual harassment. If the complaint involves an employee's supervisor, then the employee may go to another supervisor, the Village Administrator or the Village Attorney.

An investigation will be made immediately concerning any allegation of harassment in as confidential a manner as possible. The Village prohibits any form of retaliation against any employee for making a report under this policy or cooperating with an investigation under this policy; whistleblower protections shall be available to employees who make such reports or cooperate in such investigations pursuant to P.A. 100-0554, the Illinois Whistleblower Act (740 ILCS 174), and/or the Illinois Human Rights Act (775 ILCS 5/). If the investigation leads to a determination that the harassment occurred, corrective action will be taken immediately, up to and including termination of employment, if appropriate.

To the maximum extent possible, the Village will strictly maintain the confidentiality of all complaints. Information will be held in confidence and will be disclosed only on a need-to-know basis in order to investigate and resolve the complaint or as required by law.

The Village's policy is to investigate all such complaints thoroughly and promptly. If an investigation confirms that a violation of this harassment policy has occurred, the Village will take corrective action, including such discipline, up to and including termination of employment, as is appropriate. Employees will not participate in the decision-making process surrounding the investigation. Additionally, in investigating complaints of harassment under this policy, the Village may impose discipline, up to and including termination of employment, for inappropriate conduct that comes to the Village's attention. If a false sexual harassment case is reported, discipline will be given and decided upon by the Village Administrator.

An employee who believes that he or she has been the subject of harassment or retaliation for complaining about harassment also has the right to make a confidential report and/or file a charge of civil rights violations with the appropriate state or federal enforcement agency. These include:

Illinois Department of Human Rights  
100 West Randolph Street, Suite 10-100  
Chicago, Illinois 60601  
312-814-6200

United States Equal Employment Opportunity Commission  
Chicago District Office  
500 West Madison Street, Suite 2000  
Chicago, Illinois 60661  
800-669-4000