

RESOLUTION NO. 0219191

**A RESOLUTION TO APPROVE AN AMENDMENT TO
THE TOWNSHIP POLICY TO PROHIBIT SEXUAL HARASSMENT**

WHEREAS, on November 16, 2017, the Illinois General Assembly enacted Public Act 100-0554 (the "Act"), an Act concerning government, which became effective immediately;

WHEREAS, the Act mandates that each governmental unit adopt an ordinance or resolution establishing a policy to prohibit sexual harassment and prescribes certain requirements to be included therein;

WHEREAS, on January 9, 2018, the Supervisor and Board of Trustees of Hanover Township (the "Board") adopted a "Policy to Prohibit Sexual Harassment," in order to comply with the requirements of Act; and

WHEREAS, the Board deems it appropriate from time-to-time to conduct an analysis of its Policy to Prohibit Sexual Harassment and revise its Policy to Prohibit Sexual Harassment, *inter alia*, to comply with current laws, statutes, regulations, and ordinances; and

WHEREAS, the Board has reviewed the Policy to Prohibit Sexual Harassment and deems it necessary and appropriate to amend the same to provide for a specific policy regarding complaints of sexual harassment against the Township Supervisor, a Township Trustee, the Township Clerk, or the Township Assessor; and

NOW, THEREFORE, BE IT RESOLVED by the Supervisor and Board of Trustees of Hanover Township, Cook County, Illinois, as follows:

SECTION ONE: INCORPORATION OF RECITALS. The recitals are hereby incorporated into the body of this Resolution as though fully set forth herein.

SECTION TWO: ADOPTION. The amended Policy to Prohibit Sexual Harassment, a copy of which is attached hereto and incorporated into the body of this Resolution as though fully set forth herein, is hereby adopted and approved.

SECTION THREE: SEVERABILITY. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

SECTION FIVE: REPEAL OF PRIOR RESOLUTIONS. All Ordinances, Resolutions in conflict with or inconsistent herewith are hereby repealed only to the extent of such conflict or inconsistency.

SECTION SIX: EFFECTIVE DATE. This Resolution shall become effective upon its passage and approval as provided by law.

ROLL CALL VOTE: Supervisor McGuire and Trustees Benoit, Essick, Martinez, and Moinuddin

AYES: 4 *Supervisor McGuire and Trustees Benoit, Essick, and Martinez*
NAYS: 0
ABSENT: 1 *Trustee Moinuddin*

PASSED: February 19, 2019

APPROVED: February 19, 2019

Brian P. McGuire

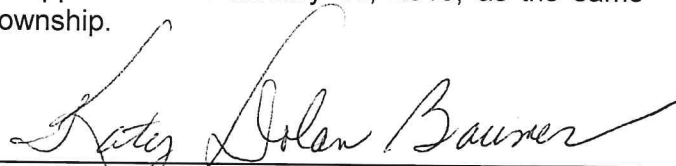
Brian P. McGuire, Township Supervisor

ATTEST:
Katy Dolan Baumer

Katy Dolan Baumer, Township Clerk

CERTIFICATION

I, the undersigned, do hereby certify that I am the Township Clerk of Hanover Township, Cook County, Illinois, and that the foregoing is a true, complete and exact copy of Resolution 0219191 enacted on February 19, 2019, and approved on February 19, 2019, as the same appears from the official records of Hanover Township.



Katy Dolan Baumer

Katy Dolan Baumer, Township Clerk



POLICY TO PROHIBIT SEXUAL HARASSMENT

This Policy Prohibiting Sexual Harassment (the "Policy") is to maintain for all officials, agents, employees, agencies, and offices of Hanover Township (the "Township") a safe and professional work environment free of sexual harassment. To that end, the following Policy has been adopted:

I. Prohibition on Sexual Harassment

- A. The Township strictly prohibits sexual harassment and does not tolerate harassment of any person on the basis of sex, sexual orientation, gender identity, or gender expression. The Township will not condone any situation where sex, sexual orientation, gender identity, or gender expression is used as a basis for harassment. The Township is committed to the prevention of any and all sexual harassment, and its position on sexual harassment is one of "Zero Tolerance."
- B. All Township officials, agents, employees, agencies, and offices are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof. This Policy applies equally to all elected officials, including the Supervisor, Clerk, Trustees, and Assessor, and appointed officials, agents, employees, clients, volunteers, and vendors of the Township. Harassment can occur on the work site and outside the workplace while the official, agent, or employee is performing the obligations and responsibilities of his or her job.

II. Definition of Sexual Harassment

- A. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, which interferes with another person's work performance or which creates an intimidating, hostile or offensive work environment.
- B. Sexual harassment can take, but is not limited to, the following forms:
 - 1. Sexual remarks, jokes, or other sexual conduct that interferes with another person's work performance or creates an intimidating, hostile, or offensive work environment;
 - 2. Display of sexually suggestive objects or pictures;
 - 3. Submission or rejection of unwelcome sexual conduct by a supervisor or manager or other management/executive personnel, which is used as a basis, whether expressed in explicit or implicit terms, for employment decisions affecting the employee, such as, but not limited to, keeping or receiving a job, receiving a promotion or raise, scheduling or any other term or condition of employment.

III. Reporting Sexual Harassment

- A. Sexual harassment is prohibited and will not be tolerated. The Township has an "open-door" policy. This means the employee has the right to make a complaint if he or she feels that he or she: (i) was or may have been subjected to illegal sexual harassment; or (ii) witnessed what is believed to be sexual harassment of another person by any other

- D. To the extent practicable, complaints, investigations, and the terms of their resolutions will be kept confidential. Information regarding any specific incident will be released only on a need-to-know basis within the necessary boundaries of the investigation.

V. Action Taken Against Knowingly Making A False Report

- A. It is a violation of this Policy for a person to intentionally or knowingly make a false report of sexual harassment. A false report is a report made by an accuser to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith that cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action.
- B. Any person who intentionally or knowingly makes a false report of sexual harassment shall be subject to discipline or discharge pursuant to applicable Township policies, employment agreements, procedures, and/or employee handbooks. Any person who intentionally makes a false report alleging a violation of the State Officials and Employees Ethics Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor, and may be subject to a fine of up to \$5,000 per offense.

VI. Retaliation Prohibited

- A. Reprisals or retaliation will not be tolerated against a person engaging in protected activity, such as but not limited to, reporting the allegation of sexual harassment, or participating in good-faith in the investigation as a witness or in any other capacity.
- B. If a person: (i) made good-faith complaint of sexual harassment, or participated in good-faith investigation as a witness or in any other capacity; and (ii) believes that he or she has been retaliated against for doing so, the person is to inform the Assistant Township Administrator, the Township Administrator, or the Township Attorney promptly to make a complaint about retaliation.
- C. The Township will act promptly to assure compliance with this Policy and will take appropriate action against violations pursuant to applicable Township policies, employment agreements, procedures, and/or employee handbooks.
- D. Illinois law provides protections to whistleblowers as set forth in the State Officials and Employees Ethics Act, 5 ILCS 430/15-10, the Whistleblower Act, 740 ILCS 174/15, and the Illinois Human Rights Act, 775 ILCS 5/6-101.