

ORDINANCE NO. T-2018-02-001

**AN ORDINANCE ESTABLISHING A POLICY TO PROHIBIT
SEXUAL HARASSMENT IN THE TOWNSHIP OF CUNNINGHAM, ILLINOIS**

WHEREAS, Cunningham Township, in Champaign County, Illinois is a non-home rule unit of local government pursuant to Article VII, § 8 of the 1970 Illinois Constitution; and

WHEREAS, the Illinois General Assembly enacted Public Act 100-554 (the "Act"), effective November 16, 2017, which is a comprehensive revision of State statutes regulating policies prohibiting sexual harassment; and

WHEREAS, the Act requires that, no later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, November 16, 2017, each governmental unit shall adopt an Ordinance establishing a policy to prohibit sexual harassment; and

WHEREAS, the Township Board has determined that, as a governmental unit, it must comply with the Act by passage of this Ordinance.

WHEREAS, because the Act provides for the imposition of significant penalties for violations of said local regulations, it is necessary to adopt the required regulations by Ordinance rather than by Resolution.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP BOARD OF CUNNINGHAM TOWNSHIP, CHAMPAIGN COUNTY, ILLINOIS, THAT THE FOLLOWING ORDINANCE ESTABLISHING A POLICY TO PROHIBIT SEXUAL HARASSMENT BE AND HEREBY IS ADOPTED:

SECTION I: Adoption of Policy Prohibiting Sexual Harassment.

The Policy Prohibiting Sexual Harassment, included as Exhibit A to this Ordinance, is hereby adopted.

SECTION II: Existing Policies.

All prior existing sexual harassment policies of Cunningham Township that conflict with the policy contained in Exhibit A hereto shall be superseded by the Policy Prohibiting Sexual Harassment adopted by this Ordinance;


SECTION III. Severability.

It is the intention of the Township Board that this Ordinance and every provision thereof shall be considered separable, and the invalidity of any section, clause, or provision of this Ordinance shall not affect the validity of any other portion of this Ordinance.

SECTION IV: Effective Date.

ADOPTED this 5th day of February 2018 pursuant to a roll call vote by the Township Board of Cunningham Township, Champaign County, Illinois.

<u>TOWNSHIP BOARD</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSENT</u>
Aaron Ammons	<u>X</u>	_____	_____
Bill Brown	<u>X</u>	_____	_____
Dean Hazen	<u>X</u>	_____	_____
Eric Jakobsson	<u>X</u>	_____	_____
Jared Miller	<u>X</u>	_____	_____
Dennis Roberts	<u>X</u>	_____	_____
Maryalice Wu	<u>X</u>	_____	_____



[Signature]
Township Clerk

[Signature]
Chairperson

This Ordinance shall be in full force and effect on February 5, 2018.

**CUNNINGHAM TOWNSHIP SEXUAL HARASSMENT POLICY
PROPOSED TO CUNNINGHAM TOWNSHIP BOARD FEB. 5, 2018**

Scope

This Policy applies to the Township Supervisor and employees of the Township Supervisor office, to the Township Assessor and employees of the Township Assessor office, and to the Township Board and the Township Clerk, whether interacting with other employees, elected officials, citizens, or vendors when directly related to the workplace.

Definitions

1. *“Complainant”* The person making a complaint of sexual harassment.
2. *“Respondent”* The person alleged to have committed an act or acts of sexual harassment.
3. *“Sexual Harassment”* Any unwelcome sexual advances or requests for sexual favors of any conduct of a sexual nature when (1) submission to such conduct is made whether 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.
4. *“Hostile Work Environment”* An intimidating, hostile, or offensive working environment that interferes with an individual’s work performance.

Responsibility

The Township Supervisor and the Township Assessor (“Supervisors”), are responsible for ensuring that employees adhere to this Policy, and it is the responsibility of each employee to abide by this Policy. Supervisors are responsible for receiving, documenting, and investigating complaints. Supervisors are responsible for maintaining a confidential file of such investigation and making disciplinary decisions where appropriate. If one Supervisor is the subject of a complaint, the other Supervisor will conduct the investigation. If both Supervisors are the subjects of a complaint, the Township Attorney will conduct the investigation. If a Township Board Member is the Complainant or Respondent, the Township Supervisor will be responsible for handling the Complaint in accordance with this Policy.

Statement of Policy

1. Sexual harassment is prohibited. The Township is committed to providing a work environment free from sexual harassment and discrimination to all employees and elected officials.
2. All discrimination and sexual harassment complaints shall be investigated.
3. Each employee and elected official is responsible for taking actions within their authority to prevent and eliminate harassment.
4. Each employee should report harassment by other employees, citizens, and vendors to the employee's Supervisor, who will take appropriate action to prevent a recurrence.
5. Elected officials should report harassment by employees, citizens, vendors, or other elected officials to the Township Supervisor, or, if the Township Supervisor is the Complainant, to the Township Attorney.
6. Employees who are found to have violated this policy will be subject to discipline, up to and including termination.

Procedure

1. Complaints of Harassment
 - a. Complaints of harassment shall be treated seriously and with respect.
 - b. A complaint must be filed within one hundred eighty (180) days from the incident unless it is a continuing offense.
 - c. An employee or elected official who experiences or witnesses harassment is encouraged to directly and clearly communicate to the Respondent that the conduct is unwelcome and not allowed.
 - d. Any employee who witnesses or knows of sexual harassment by an employee, vendor, elected official, or citizen shall report the harassment to his or her Supervisor.
 - e. If the employee's Supervisor is the subject of a complaint, the employee should report the complaint to the other Supervisor (i.e., if the Township Supervisor is the subject of the complaint, the employee should report the complaint to the Assessor, and vice versa).
 - f. Elected officials should report harassment by employees, citizens, vendors, and other elected officials to the Township Supervisor.
 - g. Should an individual have concerns about privacy, confidentiality, potential retaliation, if both Supervisors are the subject of the complaint, or for any other reasons the individual deems it necessary or appropriate, the individual may make a confidential report directly to the Township Attorney.

- h. Immediate and appropriate action to address the complaint and eliminate or prevent further harassment shall be taken by the person to whom it was reported.

2. Investigations

- a. Upon receipt of a complaint of harassment, the Supervisor (or the Township Attorney, if appropriate), will promptly and thoroughly investigate the complaint. The complaint and the investigative steps shall be thoroughly documented and shall support all findings, conclusions, and disciplinary decisions.
- b. The Township Attorney shall work with the Supervisor as needed to ensure that the investigation is conducted properly and appropriate action is taken.
- c. The Supervisor shall administer discipline in a timely manner where the complaint involves an employee.
- d. If a Township Board member is the Complainant or the Respondent, the allegations will be processed by the Township Supervisor in consultation with the Township Attorney. The Township Supervisor retains discretion in the method of processing the complaint, including but not limited to retaining a neutral outside investigator to investigate the complaint or referring the matter to the Illinois Department of Human Rights or the Equal Employment Opportunity Commission (EEOC). The Township Supervisor will report all findings to the Township Board Chair (or the Deputy Township Board Chair if the Board Chair is the subject of the complaint) for further action in accordance with State and Federal law, as appropriate.

3. Posting

A summary of this Policy will be posted in all work areas. All employees should receive copies of the harassment prevention and reporting procedures. Any questions regarding this Policy should be directed to the employee's Supervisor.

4. Training

Supervisors shall conduct harassment training for all newly hired employees in addition to periodic training to ensure employees understand this Policy.

5. Reporting Options

Nothing in this Policy is intended to establish a sole means of reporting or investigating a complaint if the means prescribed would require the individual to report the complaint directly to the Respondent. If that situation occurs, the individual shall report the complaint promptly to a person of equal or higher authority than that of the Respondent.

6. Retaliation

No individual making a report in good faith under this Policy shall be subject to any negative employment consequences based upon that report, even if the report is unsubstantiated. In addition, any witness will be protected from retaliation in accordance with 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).

7. False Reports

Complainants are prohibited from knowingly making a false report of harassment. A knowingly false report of harassment is made for a purpose other than stopping harassment. A knowingly false report is not made in good faith, and an employee making a knowingly false report will be subject to discipline up to and including discharge. A report made in good faith but which cannot be substantiated is not a false report.

8. External Reporting

All covered individuals have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within one hundred eighty (180) days of the alleged incident unless it is a continuing offense. A complaint with the EEOC must be filed within three hundred (300) days.