



2001 Delmar Avenue
Granite City, IL 62040

618-452-6238
smrid.org

Tina Hubert
Executive Director

SERVING GRANITE CITY, MITCHELL, AND PONTOON BEACH

RESOLUTION NO. 2018-001

RESOLUTION ADOPTING THE AMENDED HARASSMENT POLICY, A POLICY PROHIBITING HARASSMENT, DISCRIMINATION, AND RETALIATION

(and procedures for reporting and investigating complaints)

WHEREAS, the Six Mile Regional Library District (the Library) is a unit of local government which operates a Public Library; and

WHEREAS, by P.A. 100-0554 effective November 16, 2017, the Illinois General Assembly amended the State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430/1-1 et seq.; and

WHEREAS, the provisions of P.A. 100-0554 relevant to the Library (5 ILCS 430/70-5) are the following:

No later than 60 days after the effective date of this amendatory Act of the 100th General Assembly, each governmental unit shall adopt an ordinance or resolution establishing a policy to prohibit sexual harassment. The policy shall include, at a minimum: (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under this Act, the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment and the consequences for knowingly making a false report.

WHEREAS, the attached Harassment Policy is intended to comply with the requirements of the Ethics Act, as amended by P.A. 100-0554.

NOW, THEREFORE, IT IS RESOLVED by the Board of Library Trustees as follows:


1. The attached Harassment Policy be and is adopted.
2. This Resolution and the attached Policy supersede Resolutions and Policies, if any, which conflict with this Resolution and the attached Policy.
3. This Resolution is effective immediately.

PASSED this 9th day of January, 2018.

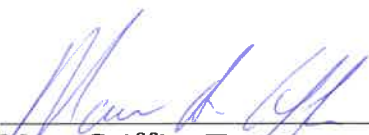
AYES: 3

NAYES: 0

ABSENT OR ABSTAIN: 0



Mary Jo Akeman, Vice President
Board of Trustees of the
Six Mile Regional Library District



Marc Griffin, Treasurer
Board of Trustees of the
Six Mile Regional Library District

(SEAL)



2001 Delmar Avenue
Granite City, IL 62040-
6238
618-452-6238
smrld.org

Tina Hubert
Executive Director

SERVING GRANITE CITY, MITCHELL, AND PONTOON BEACH

HARASSMENT POLICY A POLICY PROHIBITING HARASSMENT, DISCRIMINATION, AND RETALIATION

PURPOSE:

We expect every person at SMRLD to be treated with fairness, respect and dignity. SMRLD is an environment free of any type of unlawful discrimination, including freedom from harassment on the basis of any protected characteristic. Such illegal harassment may violate the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, and/or the Illinois Human Rights Act as defined in 775 Illinois Compiled Statutes, Chapter 5 as well as other federal and state laws. Illegal harassment will not be tolerated or condoned.

PROVISIONS:

Policies, practices, and procedures are nondiscriminatory when they do not cause an individual or group to be treated less favorably in the terms and conditions of their employment compared to other individuals or groups because of such factors as:

- Race or color
- Sexual orientation
- Gender identify
- Genetic information
- Marital status
- Pregnancy (including child birth or related medical or common conditions)
- Religion
- National origin or ancestry
- Age (40 and over)
- Disability (physical or mental)
- Military status or unfavorable military discharge
- Order of protection status
- Citizenship status *(born or naturalized U.S. citizens, U.S. national, or documented immigrant)

- Arrest record (or criminal history record ordered expunged, sealed or impounded)
- Retaliation (for opposing unlawful discrimination)
- Coercion/aiding and abetting (helping or forcing a person to commit unlawful discrimination)

Sexual orientation means actual or perceived heterosexuality, homosexuality, bisexuality, or gender related identity, whether or not traditionally associated with the person's designated sex at birth. Sexual orientation does not include a physical or sexual attraction to a minor by an adult.

Sexual harassment is *unwelcome* sexual attention which is demeaning and causes the recipient distress. Comments or behavior which may be intended to be complimentary may be viewed by the recipient as unwelcome and a form of sexual harassment.

Sexual harassment is defined as any unwelcome advance or request for sexual favors or any conduct of sexual nature where:

- Submission to the harassment is made explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of the harassing conduct is threatened to be used, as the basis of employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an individual's work or creates an intimidating, hostile, or offensive working environment.

Other forms of illegal harassment include:

- Innuendos, suggestive comments, insults, humor and jokes about any of the categories identified by law, sexual propositions, threats, repeated requests for dates, or statements about other employees or visitors, even outside of their presence, of an illegal harassing nature
- Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises
- Posters, cartoons, signs, pin-ups, or slogans which are stereotypical
- Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault

- Offensive or derogatory epithets, slurs, negative stereotyping jokes
- Threatening, intimidating, or hostile acts that relate to race, color, religion, national origin, ancestry, sex (including pregnancy), age, physical or mental handicap, marital status, status as a veteran, or sexual orientation, or gender identity.
- Unwelcome comments about a person's religion or religious garments
- Written or graphic material that denigrates or shows hostility toward an individual or group because of race, color, religion, national origin, ancestry, sex, pregnancy, age, physical or mental handicap, marital status, status as a veteran, sexual orientation, or gender identify and that is circulated in the workplace, or placed anywhere on the workplace premises such as on an employee's desk or workspace or on workplace equipment (including a computer) or bulletin boards

It is the responsibility of each individual employee to refrain from illegal harassment and it is the right of each individual employee to work in an environment free from harassment. Unwelcome sexual advances, requests for sexual favors and any other unwelcome, unbecoming verbal or physical conduct will not be tolerated.

Employees who believe they have been subjected to or observe unwelcome sexual advances or any harassing conduct should inform the offender (preferably at the time of the unwelcome advance) of the specific behavior that is unwelcome, and request the offender to stop. Of course, employees have the option of presenting the situation directly to any manager or the Deputy Director at any time or at any stage of the unwelcomed advance or harassment.

SMRLD is also committed to maintaining a safe and healthy work environment and takes all appropriate health and safety precautions consistent with current medical knowledge. Accordingly, employees may not refuse to work with, cooperate with, withhold services from or otherwise harass, intimidate, demean or isolate a co-worker because of a known or suspected disability or disease.

All employees are expected to act responsibly in regard to sexual and other forms of harassment. False or unfounded accusations of harassment can have a serious effect on innocent individuals just as true harassment can be damaging to innocent individuals. A knowingly false or frivolous charge of discrimination or unlawful harassment is a severe offense that can itself result in disciplinary action. Allegations of illegal harassment must be made in good faith and not out of malice. False and frivolous charges refer to cases where the complainant has filed a complaint based on false accusations for some gain other than to stop discrimination or illegal harassment.

Violation of this policy by any employee will subject that employee to disciplinary action, up to and including dismissal. If an employee feels that he or she has been a victim of harassment by a co-worker, member of management, vendor, visitor or customer of SMRLD, or if he or she becomes aware of such behavior, a manager or any member of management with whom the employee feels comfortable discussing the concern should be contacted.

If an employee becomes aware of any vendor, visitor, or customer who feels they have been harassed, that vendor, visitor, or customer should be advised to contact the Deputy Director or a manager.

Every manager is responsible for preventing and reporting unlawful harassment. Failure to take action to stop unlawful harassment may be grounds for disciplinary action. Special care must be exercised by managers whose actions or remarks may be mistakenly perceived as unlawful harassment. Also note that unlawful harassment is not limited to employees of different rank. The complainant should not be made to feel inhibited and should be encouraged to disclose unwelcome actions or remarks.

No staff member may be subjected to any form of retaliation for seeking information on illegal harassment, making a charge, filing a sexual harassment complaint, or testifying, assisting, or participating in an investigation, proceeding, or hearing involving a complaint of illegal harassment.

Any retaliatory action will be a violation of this policy. Supervisors must ensure that no retaliation will result against an employee making a discrimination or illegal harassment complaint. Employees are protected by the Illinois Whistleblower Act for reporting or disclosing any information that the employee believes discloses a violation of any state or federal rule, law, or regulation.

COMPLAINT PROCEDURES:

To ensure that employees understand the importance of adhering to this Policy, the following shall be the procedure to follow with respect to harassment complaints:

1. **Direct Communication:** If there is unlawful harassing behavior at SMRLD, and if the harassed person feels comfortable, the harassed person or the employee who observed the harassment should directly and clearly express her/his objection that the conduct is unwelcome and request that the offending behavior stop. The initial message may be verbal. If subsequent messages are required, such messages should be in writing.

2. **Documentation:** The harassed person who observed any harassment should record all incidents (who, what was said or done, and when).
3. **Communication with Manager:** At the same time direct communication is undertaken, or in the event the harassed person feels threatened or intimidated by the situation, the problem must be promptly reported to a manager. If the harasser is the manager, the problem should be reported to the Deputy Director or to the Executive Director, if necessary.
4. **Formal Written Complaint:** A harassed person must submit a formal written complaint regarding incidents of unlawful harassment within 30 working days of such conduct. Such complaints should be forwarded to a Manager. The Manager should immediately contact the Deputy Director. If the harasser is the Manager, the problem should be reported to the Deputy Director. When appropriate, the Manager will counsel the reporting person and be available to assist with filing a formal complaint. The complaint filed should include the following information:
 - The name of the complainant
 - The name of the charged party
 - The nature and circumstances, in detail, of the alleged harassment, including but not limited to the injuries or consequences suffered by the complainant, the names of any witnesses to such actions and the duration of the actions questioned
 - Whether such harassment has been previously reported to a manager or other person, and if so, when and to whom
 - Other information or documents believed to be essential to the fair settlement of the case
5. **Formal Investigation:** If a complaint is made orally, the Deputy Director will detail the complaint in a written document. If an individual is uncomfortable making a written complaint, SMRLD will proceed with its investigation without a formal written complaint.

The Deputy Director will fully investigate the complaint and submit a report to the Executive Director within 20 working days. The report must contain information on the allegation, a summary of the investigation (including any documentation), the recommended results of the investigation, and a recommended course of action. The Executive Director must review and approve any final recommendation and course of action. After the approval, the Deputy Director will advise the complainant and the alleged harasser of the results of the investigation. Results of the investigation and any recommended course of action must be conveyed within 60 working days of notification of the formal written complaint.

6. Resolution Outside SMRLD: It is hoped that most discrimination or complaints of illegal harassment or incidents can be resolved within SMRLD. However, employees have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint.

An IDHR complaint must be filed within 180 days of the alleged incident(s) (unless it is a continuing offense) in person, by mail, or by email by contacting:

Illinois Department of Human Rights
222 S. College Street Room 101 - A
Springfield, IL 62704
217-785-5125
IDHR.webmail@illinois.gov
www.state.il.us/dhr

The Department of Human Rights will also have an established “hotline” to report allegations of sexual harassment. You may contact the Illinois Department of Human Rights at the number above for further information on this resource.

An EEOC discrimination complaint must be filed within 300 days of the last incident of harassment. If an employee is unsure as to whether it is appropriate to file a charge with the EEOC, the EEOC can be contacted electronically. The online assessment can be completed at:
<https://egov.eeoc.gov/eas/>

An employee can also contact the local EEOC office by telephone, in writing, or in person. The contact information is:

Equal Employment Opportunity Commission
Robert A Young Federal Building,
1222 Spruce Street Room 8.100
St. Louis MO 63103
800-669-4000
<https://www.eeoc.gov/employees/charge.cfm>

6. Potential Outcomes: Once a complaint has been registered or a harassment situation has become known to SMRLD, a prompt, fair and thorough investigation will be conducted to determine the meritorious character of the complaint.

If SMRLD determines that unlawful harassment has occurred in violation of this Policy, the individual who engaged in such harassing conduct shall face immediate and appropriate disciplinary action based upon the severity of the complaint and any prior history of past charges made against the individual and disciplinary action involving the individual.

For employees, disciplinary action may include being suspended without pay, a written warning, training, suspension, demotion, or termination of employment. Vendors, visitors, or customers could be asked to leave or be banned from the library.

PRIVACY: SMRLD encourages victims of harassment to bring their complaints to management by ensuring that no reprisals or retaliation will result against such complaining individual as a result of the good faith reporting of harassment. In addition, anyone who assists in the filing of a complaint or in the investigation of a claim of harassment will be protected from reprisals and retaliation. Reprisal or retaliation may be the basis of a separate complaint, even if the complaint of harassment may be found to be without merit.

To the fullest extent possible, and so long as it does not inhibit the conducting of an investigation, all persons involved with a harassment complaint will be given the utmost protection of privacy.

Any employee with questions regarding SMRLD's Harassment Policy may contact the Deputy Director.

Approved by SMRLD Board action
May 10, 2016
Amended January 9, 2018