

RESOLUTION 2020-1

**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE
BARRINGTON AREA PUBLIC LIBRARY DISTRICT, COOK, LAKE, MCHENRY AND KANE COUNTIES,
ILLINOIS, REGARDING SEXUAL HARASSMENT POLICY**

WHEREAS, Public Act 101-0221, referred to as the Workplace Transparency Act, requires all local governmental employers to adopt certain amendments to their existing sexual harassment policies and to approve those amendments by Resolution; and

WHEREAS, the Barrington Area Library at all relevant times has prohibited sexual harassment and has had an aggressive and appropriate policy in place prohibiting sexual harassment; and

WHEREAS, the Board of Trustees of the Barrington Area Public Library District have caused the Library's Harassment Policy to be amended to comply with the new legal requirements imposed by the Workplace Transparency Act, and desire to comply with that Act by adopting those amendments by Resolution; and

WHEREAS, the Board of Library Trustees of the Barrington Area Public Library District find it appropriate to amend the Library's Harassment Policy as set forth in the Amended Harassment Policy, attached hereto and made a part hereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Library Trustees of the Barrington Area Public Library District, Cook, Lake McHenry and Kane Counties, Illinois, as follows:

Section 1: Policy. The policy attached hereto as Exhibit A entitled "Harassment Policy" is hereby adopted and approved.

Section 2: Application. All employees, elected officials, vendors, clients, customers, patrons, contractors, consultants and visitors are subject to the Harassment Policy as set forth therein and shall at all times observe and comply with the provisions of the policy attached hereto as Exhibit A.

Section 3: This Resolution shall take effect upon its passage as provided by law.

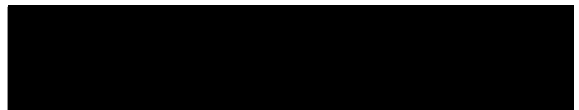
ADOPTED this 13th day of January, 2020, by the following roll call vote:

AYES: Carr, Clifford, Miller, Pizzi, Tenyer, Minner

NAYS: Ø

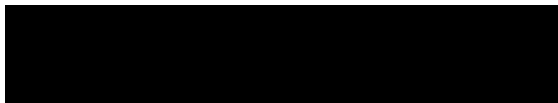
ABSENT: Devereux-Peters

APPROVED this 13th day of January, 2020



President, Board of Trustees of the
Barrington Area Public Library District, Cook,
Lake, McHenry and Kane Counties, Illinois

ATTEST:



Secretary, Board of Trustees of the
Barrington Area Public Library District,
Cook, Lake, McHenry and Kane Counties,
Illinois

EXHIBIT A

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 actual or perceived race, color, religion, sex, pregnancy, national origin, age, mental or physical disability, genetic information, ancestry, sexual orientation, veteran status, military status, unfavorable discharge from military status, marital status, citizenship status, order of protection status or any other protected category as defined by applicable law. The Library will not tolerate harassment anyone, including any manager, co-worker, vendor, client, contractor, customer, or other visitor of the Library. Willful violation of this policy will be subject to disciplinary action up to and including discharge.

For purposes of this policy, the phrase “working environment” is not limited to a physical location an employee is assigned to perform his or her duties.

Definition of Sexual Harassment

“Sexual harassment” is illegal and 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 “kidding” or demeaning sexual innuendoes, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature;
 - Graphic or suggestive comments about an individual’s dress or body;
 - Displaying sexually explicit or offensive objects, photographs or drawings;
 - Unwelcome touching, such as patting, pinching, or constant brushing against another’s body; or

- 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.

Definition of Other Harassment

Inappropriate conduct in the workplace, based upon an individual's protected category as set forth above and as defined by applicable law 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, graphic or displayed items within, shared or posted within the workplace that shows hostility toward a person or persons because of their protected status.

Investigation Procedure

Any individual who believes that they have been subjected to harassment or discrimination as prohibited by this policy or who has witnessed harassment or discrimination should submit a complaint to their manager, 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 the Executive Director, or their designee.

Any employee wishing to submit a complaint (i.e., the "complainant") should submit a written statement to Human Resources. The written statement should state the specific facts and/or perceived wrongful act (e.g., location, names, dates, times) to be investigated. All such written statements should be submitted within thirty (30) days after the incident or act which gives rise to the complaint, unless the time for submission is extended by Human Resources because the complainant has shown good cause for such an extension.

Human Resources or their designee shall promptly investigate the complaint. Human Resources or their 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, they may submit in writing an appeal to the Executive Director or their designee, who will review the investigation report and make a final decision.

The rights to confidentiality, both of the complainant and of the accused, will be respected consistent with the Library's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

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, including the possibility of 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.

Complaints by an elected/appointed official against another elected/appointed official shall be submitted to the Executive Director. The Executive Director shall, in consultation with legal counsel for the Library, ensure that an independent review is conducted with respect to such allegations.

Training

The Library shall provide sexual harassment prevention training on an annual basis as required by law.

Retaliation

Reporting harassment, discrimination or retaliation, or participating in an investigation will not reflect adversely upon an individual's status or affect future employment. No one making a complaint in good faith will be retaliated against even if the complaint is not substantiated. Retaliation against anyone for reporting harassment, assisting in making a complaint, cooperating in an investigation of harassment, or otherwise engaging in conduct protected by the Illinois Whistleblower Act is prohibited and is grounds for discipline up to and including termination. Victims and witnesses are encouraged to come forward.

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), the Illinois Human Rights Commission (100 W. Randolph St., Suite 5-100, Chicago, IL 60601, 312-814-6269), and the U.S. Equal Employment Opportunity Commission (500 W. Madison St., Suite 2800, Chicago, IL 60661, 312-353-2713).

STATE OF ILLINOIS)
COUNTIES OF COOK,) SS.
LAKE, MCHENRY AND KANE)

SECRETARY'S CERTIFICATE

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

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passed by the Board of Trustees of the Barrington Area Public Library District at a regular meeting of said Board of Trustees at which a quorum was present, held pursuant to the Illinois Open Meetings Act on the 13th day of January, 2020.

I do further certify that said Resolution is entrusted to my care and custody, that the same is duly spread upon the records of said meeting and that I am the custodian of all records of the Barrington Area Public Library District, including the journal of proceedings or resolutions.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of January, 2020.



Secretary, Board of Trustees of the Barrington Area Public Library District, Cook, Lake, McHenry and Kane Counties, Illinois