



RESOLUTION NO. 11-26-18-1

A RESOLUTION ADOPTING A POLICY REGARDING  
SEXUAL HARASSMENT IN EMPLOYMENT

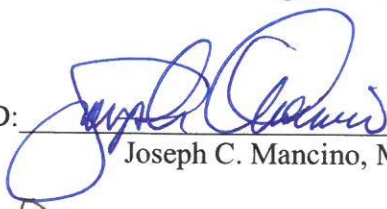
**BE IT RESOLVED** by the Mayor and the Board of Trustees of the Village of Hawthorn Woods, Lake County, Illinois, that the Village of Hawthorn Woods shall adopt this policy regarding sexual harassment in employment and any modifications made thereto must be approved by the Village Board of Trustees. A copy is attached hereto as "Exhibit A", and by this reference, made a part hereof.

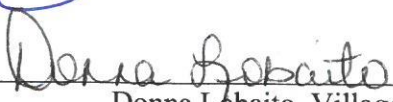
The foregoing Resolution was adopted by a roll call vote as follows:

AYES: Kaiser, Kasik, Riess, David

NAYS: 0

ABSENT AND NOT VOTING: Corugan, Dimaggio

APPROVED:   
Joseph C. Mancino, Mayor

ATTEST:   
Donna Lobaito, Village Clerk

ADOPTED: November 26, 2018

APPROVED: November 26, 2018



## VILLAGE OF HAWTHORN WOODS

### POLICY REGARDING SEXUAL HARASSMENT IN EMPLOYMENT

#### I. STATEMENT OF ORGANIZATION POLICY

This organization is committed to providing a workplace that is free from all forms of discrimination, including sexual harassment. Any employee's behavior that fits the definition of sexual harassment is a form of misconduct which may result in disciplinary action up to and including dismissal. Sexual harassment could also subject this organization and, in some cases, an individual to substantial civil penalties.

The organization's policy on sexual harassment is part of its overall affirmative action efforts pursuant to state and federal laws prohibiting discrimination based on age, race, color, religion, national origin, citizenship status, unfavorable discharge from the military, marital status, disability, and gender. Specifically, sexual harassment is prohibited by the Civil Rights Act of 1964, as amended in 1991, and the Illinois Human Rights Act.

Each employee of this organization bears the responsibility to refrain from sexual harassment in the workplace. No employee -male or female- should be subjected to unsolicited or unwelcome sexual overtures or conduct in the workplace. Furthermore, it is the responsibility of all supervisors to make sure that the work environment is free from sexual harassment. All forms of discrimination and conduct which can be considered harassing, coercive or disruptive, or which create a hostile or offensive environment must be eliminated. Instances of sexual harassment must be investigated in a prompt and effective manner.

All employees of this organization, particularly those in a supervisory or management capacity, are expected to become familiar with the contents of this Policy and to abide by the requirements it establishes.

#### II. DEFINITION OF SEXUAL HARASSMENT

According to the Illinois Human Rights Act, sexual harassment is defined as: Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when;

- (1) submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, or
- (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.

The courts have determined that sexual harassment is a form of discrimination under Title VII of the Civil Rights Act of 1964, as amended in 1991.

One example of sexual harassment is where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity.

Other conduct commonly considered to be sexual harassment includes:

- \* Verbal: Sexual innuendos, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.
- \* Non-verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking", or "kissing" noises.
- \* Visual: Posters, signs, pin-ups or slogans of a sexual nature.
- \* Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, coerced sexual intercourse, or actual assault.

Sexual harassment most frequently involves a man harassing a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a "reasonable woman" or "reasonable man", depending on the gender of the alleged victim.

An example of the most subtle form of sexual harassment is the use of endearments. The use of terms such as "honey", "darling", and "sweetheart" is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of a compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the workplace:

"That's an attractive dress you have on."

"That's an attractive dress. It really looks good on you."

"That's an attractive dress. You really fill it out well."

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment depending on the perceptions and values of the person to whom it is directed. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

### **III. RESPONSIBILITY OF INDIVIDUAL EMPLOYEES**

Each individual employee has the responsibility to refrain from sexual harassment in the workplace.

An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.

The harassing employee will be subject to disciplinary action up to and including discharge in accord with the organization's disciplinary policy and the terms of any applicable collective bargaining agreement.

The organization has designated Kristin N. Kazenas, Chief Financial Officer/Human Resources Director to coordinate the organization's sexual harassment policy compliance. Ms. Kazenas can be reached at 2 Lagoon Drive, Hawthorn Woods, IL 60047. She is available to consult with employees regarding their obligations under this policy.

### **IV. RESPONSIBILITY OF SUPERVISORY EMPLOYEES**

Each supervisor is responsible for maintaining the workplace free from sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as with all other forms of employee misconduct.

The courts have found that organizations as well as supervisors can be held liable for damages related to sexual harassment by a manager, supervisor, employee, or third

party (an individual who is not an employee but does business with an organization, such as a customer, contractor, sales representative, or repair person).

Liability is either based on an organization's responsibility to maintain a certain level of order and discipline, or on the supervisor acting as an agent of the organization. As such, supervisors must act quickly and responsibly not only to minimize their own liability but also that of the organization.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint, with seriousness, take prompt action to investigate it, report it, and end it, implement appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior that constitutes sexual harassment but does not want to make a formal complaint.

In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint. In addition, complainants may have protection under the Whistleblower Act and the Illinois Human Rights Act.

Supervisors in need of information regarding their obligations under this policy or procedures to follow upon receipt of a complaint of sexual harassment should contact Kristin N. Kazenas, Chief Financial Officer/Human Resources Director at 2 Lagoon Drive, Hawthorn Woods, IL 60047.

## **V. PROCEDURES FOR FILING A COMPLAINT OF SEXUAL HARASSMENT**

### **A. INTERNAL**

An employee who either observes or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the supervisor, Human Resources Director, and to the offending employee. It is not necessary for the sexual harassment to be directed at the person making the complaint.

Each incident of sexual harassment should be documented or recorded. A note should be made of the date, time, place, what was said or done, and by whom. The documentation may be augmented by written records such as letters, notes, memos, and telephone messages.

No one making a complaint of sexual harassment will be retaliated against even if a complaint made in good faith is not substantiated. Any witness to an incident of sexual harassment is also protected from retaliation.

The process for making a complaint about sexual harassment falls into several stages.

1. DIRECT COMMUNICATION. If there is sexually harassing behavior in the workplace, the harassed employee 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 needed, they should be put in writing in a note or a memo.

2. CONTACT SUPERVISORY PERSONNEL. At the same time direct communication is undertaken, or in the event the employee feels threatened or intimidated by the situation, the problem must be promptly reported to the immediate supervisor or the Human Resources Director. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision of the Human Resources Director.

3. FORMAL WRITTEN COMPLAINT. An employee may also report incidents of sexual harassment directly to the Human Resources Director. The Human Resources Director will counsel the reporting employee and be available to assist with filing a formal complaint. The Organization will fully investigate the complaint, and will advise the complainant and the alleged harasser of the results of the investigation. Any report made may be made confidentially and confidentiality will be maintained to the extent it is consistent with the ability to conduct a full and effective investigation but complete confidentiality may not be possible.

## **B. EXTERNAL**

The Organization hopes that any incident of sexual harassment can be resolved through the internal process outlined above. All employees, however, have the right to file formal charges with the Illinois Department of Human Rights (IDHR) and/or the United States Equal Employment Opportunity Commission (EEOC). The charges must be filed within 300 days of the incident of sexual harassment.

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**The Illinois Department of Human Rights may be contacted as follows:**

|                 |                |                |
|-----------------|----------------|----------------|
| CHICAGO         | (312) 814-6200 | (312) 814-6200 |
| CHICAGO TDD     | (312) 263-1579 | (312) 263-1579 |
| SPRINGFIELD     | (217) 785-5100 | (217) 785-5100 |
| SPRINGFIELD TDD | (217) 785-5125 | (217) 785-5125 |
| MARION          | (618) 993-7463 | (618) 993-7463 |

**The United States Equal Employment Opportunity Commission can be contacted as follows:**

|         |                |                |
|---------|----------------|----------------|
| CHICAGO | (312)-353-2713 | (312)-353-2713 |
|         | 800-669-3362   | 800-669-3362   |
| TDD     | 800-800-3302   | 800-800-3302   |

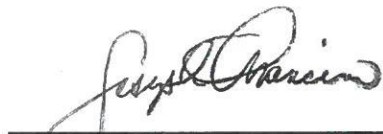
An employee who is suddenly transferred to a lower paying job or passed over for promotion after filing a complaint with IDHR or EEOC may file a retaliation charge with either of these agencies. The charges must be filed within 300 days of the retaliation.

An employee who has been physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

## VI. FALSE AND FRIVOLOUS COMPLAINTS

False and frivolous charges refer to cases where the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false and frivolous charge is a severe offense that can itself result in disciplinary action.

Passed and adopted this 26<sup>th</sup> day of November, 2018.



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Joseph C. Mancino, Mayor

ATTEST:



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Donna Lobaito, Village Clerk