

**CITY OF LE ROY, ILLINOIS  
CITY COUNCIL RESOLUTION OF  
PROTECTION AGAINST SEXUAL HARASSMENT POLICY**

**RESOLUTION NO. 97-17**

Be it hereby resolved by the Le Roy City Council the following policy with respect to the policy of sexual harassment.

**POLICY:** As defined herein it is the responsibility of each and every employee of the City of Le Roy to refrain from sexual harassment and it is the right of each individual employee to work in an environment free from sexual harassment.

**DEFINITION:** According to the Illinois Human Rights Act, sexual harassment is defined as any unwelcome sexual advance(s) or request(s) for sexual favors or any conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly as 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.

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 such example is a case 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:

1. Verbal: Sexual innuendoes, 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 of their presence, of a sexual nature.

2. Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive bodily gestures, "catcalls," "smacking" or "kissing" noises.
3. Visual: Posters, signs, pin-ups, objects or slogans of a sexual nature.
4. 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 a "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 complement 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 work place:

"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 individual perceptions and values. 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.

**RESPONSIBILITY  
OF INDIVIDUAL**

**EMPLOYEES:** Each individual employee has the responsibility to refrain from sexual harassment in the work place. 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 departmental policy or a bargaining agreement, as appropriate.

**RESPONSIBILITY  
OF SUPERVISORY**

**PERSONNEL:** Each supervisor is responsible for maintaining the WORK place free of 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 contractor, customer, 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 agency.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint with seriousness, take prompt action to investigate it, report and end it, implement appropriate disciplinary action and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered 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.

The agency's Equal Employment Opportunity (EEO) Officer is available to consult with supervisors on the proper procedures to follow.

**PROCEDURES: FILING A COMPLAINT**

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, EEO Officer and offending employee. It is not necessary for sexual harassment to be directed at the person making the complaint.

The following steps may also be taken: document or record each incident (what was said or done, the date, the time and the place). Documentation can be strengthened by written records such as letters, notes, memos and telephone messages.

No one making a complaint will be retaliated against even if a complaint made in good faith is not substantiated. In addition, any witness will be 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. This initial message may be verbal; if subsequent messages are needed they should be put in writing.
2. **Contact with 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 EEO Officer. If the harasser is the immediate supervisor, the problem should be reported to the next level of supervision or the EEO Officer.
3. **Formal Written Complaint:** An employee may also report incidents of sexual harassment directly to the EEO Officer. The EEO Officer will counsel the reporting employee and be available to assist with filing a formal complaint. The Department will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.
4. **Resolution Outside Department:** It is hoped that most sexual harassment complaints and incidents can be resolved within an agency. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Opportunity Commission (EEOC) regarding filing a formal complaint. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.


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, also due within 180 days (IDHR) or 300 days (EEOC) of the alleged 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.

**FALSE AND FRIVOLOUS COMPLAINTS**

False and Frivolous charges refer to cases where the accuser is using the 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** by the City Council of the City of Le Roy, Illinois, this 17<sup>th</sup> day of November, 1997.

  
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Robert Rice, Mayor

ATTEST:

  
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Sue Marcum, City Clerk

STATE OF ILLINOIS        )  
                                  ) SS:  
COUNTY OF McLEAN        )

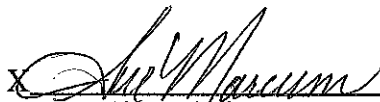
I, Sue Marcum, do hereby certify that I am the duly qualified and Acting City Clerk of the City of LeRoy, McLean County, Illinois, and as such Acting City Clerk that I am the keeper of the records and files of the Mayor and the City Council of said City.

I do further certify that the foregoing is a true, correct and complete copy of a resolution entitled:

CITY OF LE ROY, ILLINOIS  
CITY COUNCIL RESOLUTION OF  
PROTECTION AGAINST SEXUAL HARASSMENT POLICY.

I do further certify said resolution was adopted by the City Council of the City of LeRoy at a regular meeting on the 17th day of November, 1997, and prior to the making of this certificate the said resolution was spread at length upon the permanent records of said City where it now appears and remains as a faithful record of said resolution in the record books.

Dated this 17th day of November, 1997.

  
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City Clerk

(SEAL)