

**RESOLUTION NO. 2018-01**

**A RESOLUTION ADOPTING A  
SEXUAL HARASSMENT POLICY  
FOR THE BRISTOL KENDALL FIRE PROTECTION DISTRICT**

**WHEREAS**, the Bristol Kendall Fire Protection District, Kendall County, Illinois (the "District") is an Illinois unit of local government (Constitution, Art. VII, Section 1) and fire protection district duly organized and existing pursuant to Illinois law including the Fire Protection District Act (70 ILCS 705/1 *et seq.*); and

**WHEREAS**, the District's Board of Trustees (the "Board") exercises all of the powers and controls all the affairs and property of the District (70 ILCS 705/6(a)); and

**WHEREAS**, the Board has full power to pass all necessary ordinances, and rules and regulations for the proper management and conduct of the business of the Board and the District (70 ILCS 705/6(i)); and

**WHEREAS**, Illinois recently enacted Public Act 100-0554, effective November 16, 2017; and

**WHEREAS**, Public Act 100-0554 amended Section 70-5 of the State Officials and Employees Ethics Act to require local governmental entities to adopt, by resolution, a sexual harassment policy; and

**WHEREAS**, the Board finds and determines it to be in the best interest of the District, its residents and employees to enact a sexual harassment policy in accordance with Public Act 100-0554.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Bristol Kendall Fire Protection District, Kendall County, Illinois, as follows:

**SECTION ONE:** That the Board finds the above entitled recitals to be true and correct, and by this reference incorporates each and all of them fully herein as if here restated.

**SECTION TWO:** That the District's policy on sexual harassment shall be as prescribed in **Exhibit A**, which is attached hereto and incorporated fully herein as if restated.

**SECTION THREE:** That this Resolution may be amended from time to time by formal Board action to adopt an amended **Exhibit A** as determined by the future policy of the Board of Trustees.

**SECTION FOUR:** That all other resolutions, policies, or other proceedings in conflict herewith be to the extent of such conflict, are hereby repealed.

**SECTION FIVE:** This Resolution shall be in full force and effect upon its passage and approval as required by law.

**ADOPTED** this 11<sup>th</sup> day of January 2018, by the following roll call vote:

AYES: JOHNSON, YABSLEY, DICKSON, STEWART

NAYS: NONE

ABSENT: SCHLAPP

Ward Stewart  
President, Board of Trustees  
Bristol Kendall Fire Protection District

**ATTEST:**

T. W. Johnson  
Secretary, Board of Trustees  
Bristol Kendall Fire Protection District

STATE OF ILLINOIS        )  
                                  )  
COUNTY OF KENDALL     )

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**SECRETARY'S CERTIFICATE**

I, Richard W. Dickson, the duly qualified and acting Secretary of the Board of Trustees of the Bristol Kendall Fire Protection District, Kendall County, Illinois, do hereby certify that attached hereto is a true and correct copy of a Resolution entitled:

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which Resolution was duly adopted by said Board of Trustees at a meeting held on the 11<sup>th</sup> day of January, 2018.

I do further certify that a quorum of said Board of Trustees was present at said meeting, and the Board met all the requirements of the Illinois Open Meetings Act.

IN WITNESS WHEREOF, I have hereunto set my hand this 11<sup>th</sup> day of January, 2018.

  
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Secretary, Board of Trustees  
Bristol Kendall Fire Protection  
District

**EXHIBIT A**

Sexual Harassment Policy

## BRISTOL KENDALL FIRE PROTECTION DISTRICT

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### SEXUAL HARASSMENT POLICY

#### A. Generally

It is the policy of the Bristol Kendall Fire Protection District to strictly prohibit sexual harassment in the work place. No employee shall be harassed by another employee or supervisor on the basis of sex. No action shall be taken affecting an employee (either favorably or unfavorably) on the basis of conduct that is not related to work performance. Any officer or employee who is found, after appropriate investigation, to have engaged in sexual harassment of another employee will be subject to appropriate disciplinary action, depending upon circumstances, up to and including termination.

#### B. Definition of Sexual Harassment

1. In the case of sexual harassment of any employee by another employee, sexual harassment means any:

- a. Unwelcome sexual advances;
- b. Request for sexual favors; or
- c. Any conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (iii) 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.

2. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile or offensive as used above include conduct which has the effect of humiliation, embarrassment or discomfort. Even conduct that is intended to be "innocent" may still constitute sexual harassment if it falls within the terms of this policy. If anyone expresses concern that behavior may have violated this policy, please respect his or her concerns. Regardless of intent, how others interpret your behavior is important. This policy is not meant to interfere with or discourage friendships among employees. However, employees must be sensitive to acts or conduct that may be considered offensive by other employees.

3. The following are examples of sexual harassment:

- a. Verbal: sexual innuendo, suggestive comments, insults, threats, jokes about gender-specific traits or sexual propositions;
- b. Nonverbal: making suggestive or insulting noises, leering, whistling, giving letters, gifts, and/or materials of a sexual nature or making obscene gestures;

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- c. Physical: touching, pinching, brushing the body, and coercing sexual intercourse, exposing oneself or assault.
4. Employees are strongly discouraged from seeking a romantic or amorous relationship with another employee. Under no circumstances may an employee repeatedly ask another employee to date, apply pressure to have a relationship, or retaliate in any way due to an employee's decision not to date or have a relationship.

### **B. Complaints**

An employee is not required to directly confront the person who is the source of his or her report, question or complaint before notifying any of those individuals listed. Nevertheless, an employee is required to make a reasonable effort to make wrongdoing or conflict known should it exist.

Complaints alleging a violation of this policy are encouraged and must be brought to the attention of the appropriate District officials as soon as possible after the alleged incident of sexual harassment. If you are aware of workplace conflict or wrongdoing taking place, you must immediately discuss your questions, problems, complaints or reports with your direct supervisor. If you feel uncomfortable doing so or if your direct supervisor is the source of the problem, condones the problem, or ignores the problem, immediately report to your supervisor's supervisor. If neither of these alternatives is satisfactory to you, then you can immediately direct your questions, problems, complaints or reports to the Fire Chief.

The Fire Chief shall establish a complaint procedure pursuant to this policy. However, employees may choose to file a charge with the Illinois Department of Human Rights/Illinois Human Rights Commission, 100 W. Randolph St., Suite 10-100, Chicago, Illinois 60601, 312-814-6200, or with the federal Equal Employment Opportunity Commission, 500 W. Madison St., 28<sup>th</sup> Floor, Chicago, Illinois 60661, 312-353-2713. The District will make every effort to ensure that those named in the report or who are too closely associated with those involved in the report will not be part of the investigative team. The District reserves the right and hereby provides notice that third parties may be used to investigate sexual harassment claims.

Complainants are entitled to confidentiality and respect during the investigation process and shall not be subjected to harassment or retaliation as a result of having filed a complaint or appealed a decision. The District, the State Officials and Employees Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act prohibit retaliation made against any member who alleges a good faith complaint of sexual harassment, or who participates in any related investigation. Anyone who violates this rule is subject to disciplinary action, up to and including termination. Caution must be exercised, however, to accurately state the facts giving rise to the complaint and to avoid groundless complaints. Grossly inaccurate or groundless complaints made in bad faith may subject the complainant to disciplinary action.

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**D. Harassment Prevention Training**

The District shall train and educate members regarding its intention to prevent harassment and discipline those found to have committed it. This District shall document:

1. Who conducted the training;
2. A list of trainees;
3. Signed acknowledgment forms from the attendees indicating their comprehension of the information;
4. How often members are trained; and
5. Materials distributed and utilized in training sessions.

**LEGAL REF.: 42 U.S.C. 2000e-2; 29 C.F.R. 1604.11; 775 ILCS 5/2-101(E), 2-102(D) and 2-105; 5 ILCS 430/70-5; 740 ILCS 174/15**

**SEXUAL HARASSMENT COMPLAINT PROCEDURE**

**A. Complaint Procedure**

1. **Step 1**

Any employee who feels that he or she is the victim of sexual harassment should immediately report the matter in writing to his or her immediate supervisor. The supervisor shall take steps to investigate the matter and take any appropriate action deemed necessary and inform the employee in writing of the action. If disciplinary action is warranted, the supervisor shall take the matter to the proper District official for action.

2. **Step 2**

If the complainant is not satisfied with the determination or action by their supervisor, he or she may request in writing that the Fire Chief or his/her designee review the matter. The complainant must submit the request to the Fire Chief or designee within ten (10) working days of the date of receipt of the supervisor's determination at Step 1.

The Fire Chief shall review the matter and take any action deemed appropriate within ten (10) working days of receipt of the request for review and inform the employee in writing of the action.

3. **Step 3**

If the complainant is not satisfied with the decision rendered by the Fire Chief, the matter may be appealed to the Board of Trustees. Notice of intent to appeal to the Board must be submitted to the Fire Chief within ten (10) working days of the receipt of the Fire Chiefs or designees decision. Upon receipt from the complainant of written notice of intent to appeal to the Board, copies of the complaint and any written materials prepared during the investigation at any prior level of review shall be forwarded by the Fire Chief to the Board.

The Board shall review all of the relevant documents no later than the second regularly scheduled meeting after the receipt of the notice of intent to appeal and shall render its written decision or take a course of action within ten (10) working days of the date upon which the review is held.

**B. Guidelines for Investigations**

Complainants are entitled to confidentiality and respect during the investigation process, and shall not be subjected to harassment or retaliation as a result of having filed a complaint or appealed a decision. However, grossly inaccurate or groundless complaints made in bad faith may subject the complainant to disciplinary action.



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If the complainant's immediate supervisor is the subject of the complaint, then the complainant shall report the matter to the next superior officer. In all other cases, if the decision maker at any step of the procedure is the subject of the complaint, then that step shall be bypassed and the complainant shall proceed to the next step of the complaint procedure.

**LEGAL REF.: 42 U.S.C. 2000e-2; 29 C.F.R. 1604.11; 775 ILCS 5/2-101(E), 2-102(D) and 2-105; 5 ILCS 430/70-5; 740 ILCS 174/15**