

Ordinance No. 05/06-13

VILLAGE OF BRADFORD  
Stark County, Illinois

**AN ORDINANCE ESTABLISHING THE VILLAGE'S  
SEXUAL HARASSMENT POLICY**

WHEREAS, the Village President and Village Board of the Village of Bradford have deemed it in the public interest to establish a Sexual Harassment Policy;

**NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND THE  
VILLAGE BOARD OF THE VILLAGE OF BRADFORD, STARK COUNTY, ILLINOIS,  
AS FOLLOWS:**

**SECTION ONE.** That the following Sexual Harassment Policy is hereby established as the sexual harassment policy of the Village of Bradford:

TITLE 1, CHAPTER 9

1-9-1 Sexual Harassment Policy

1-9-2 DEFINED.

Sexual harassment is defined for purposes of this Policy as unsolicited advances. It may range from inappropriate sexual suggestions to coerced sexual relations. Harassment is a situation in which an individual in a position to control, influence, or affect another's employment, compensation, promotion, job assignments, grade assignments, license or permit, or safety, uses that power to coerce a person into sexual relations, or punishes the refusal. Sexual harassment includes:

- a. Unsolicited verbal sexual comments;
- b. Subtle pressure for sexual activity;
- c. Sexist remarks about a person's body or sexual activities;
- d. Patting, pinching, or unnecessary touching;
- e. Demanding sexual favors, accompanied by implied or overt threats involving one's employment,

compensation, promotion, job assignment, license or permit granted by the Village;

f. Physical assault.

#### 1-9-3 VIOLATION.

It is a violation of official Village policy, as well as state and federal law, to commit an act of sexual harassment upon another.

Violation of this policy will lead to discipline, including termination.

#### 1-9-4 INVESTIGATION AND CONCILIATION

(A) Filing of complaints.

(1) (a) Any individual who believes that he or she has been aggrieved by a violation of the provisions of this policy may file a complaint with the Village President.

(b) The Village President may, in lieu of an individual complainant filing a written statement, on his or her initiative, file and process a written statement of alleged unlawful discrimination.

(2) The complainant shall make a written statement that an unlawful practice has been committed, setting forth the facts upon which the complaint is based, and setting forth facts sufficient to enable the Village President to identify the respondent. Such written statement shall be referred to herein as a "complaint."

(3) All complaints regarding unlawful discrimination shall be filed within one hundred eighty (180) days of the occurrence of the alleged violation, or one hundred eighty (180) days after the discovery thereof, but in no event shall a complaint be filed more than one year after the occurrence of the violation.

(4) Complaints filed may be voluntarily withdrawn at the request of the complainant at any time prior to the completion of the public hearing specified herein. The circumstances accompanying such withdrawal may be fully investigated by the Village President.

(5) The Village President may investigate individual instances and patterns of conduct which the Village President believes may be in violation of the provisions of this policy. The Village President may file complaints in connection therewith.

#### 1-9-5 Records and reports.

(a) When a complaint has been filed against a person pursuant to this chapter, the respondent shall

preserve all records which may be relevant to the charge or action until a final disposition of the charge. Such records shall include, but not be limited to, application forms submitted by applicants, sales and rental records, credit and reference reports, personnel records, and any other records pertaining to the status of an individual's enjoyment of the rights and privileges protected or granted under this policy.

(b) The respondent shall, at the request of the Village President, permit the Village President to inspect and copy such records as may be relevant to the investigation. Should the respondent refuse to permit such inspection and copying, the Village President may issue a subpoena for such records.

#### 1-9-6 Investigation.

(a) The Village President or his or her designee shall promptly investigate allegations of harassment set forth in any complaint and shall furnish the respondent with a copy of the complaint at the commencement of any such investigation.

(b) A preliminary determination in writing shall be made by the investigator, stating whether or not there is probable cause to believe that this policy has been violated, and on what facts such determination is based.

(c) If the Village President finds with respect to any respondent that he or she lacks jurisdiction or that probable cause does not exist, the Village President shall issue and cause to be served on the appropriate parties an order dismissing the allegations of the complaint.

#### 1-9-7 Conciliation.

(a) In case the investigator makes a preliminary determination that there is probable cause, an attempt shall be made to eliminate the alleged harassment practice by informal methods of conference, conciliation and persuasion.

(b) If the respondent and complainant agree to a conciliation agreement, such agreement shall be reported to the Village President and the Village President shall dismiss the complaint stating the terms of the agreement and furnish a copy of the dismissal and agreement to the complainant and respondent. Upon such dismissal a complaint may be reinstated if the respondent fails to comply with the terms of the conciliation agreement.

(c) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding without the written consent of the persons concerned. Notwithstanding the above, the

Village shall make available to the aggrieved person and respondent, at any time, upon request following completion of the investigation, information derived from an investigation and any final investigative report relating to that investigation.

(d) (1) At any time within one year from the date of a conciliation agreement, the Village President at the request of the complainant or upon the initiative of the Village President, shall investigate whether the terms of the agreement are being complied with by the respondent.

(2) Upon finding that the terms of the agreement are not being complied with by the respondent, the Village President shall certify the matter to the Village Attorney for enforcement proceedings.

(e) Except for the terms of the conciliation agreement and information necessary for the Village President to reasonably perform his or her duties including but not limited to, issuing subpoenas, conducting investigations and conducting public hearings, neither the Village President nor any officer or employee of the Village shall make public, without written consent of the involved parties, information concerning the case which has resulted in a conciliation agreement.

(f) The Village President may dismiss a charge if satisfied that:

(1) The respondent has eliminated the effects of the violation charged and has taken steps to prevent its repetition; or

(2) The respondent offers and the complainant declines to accept terms of settlement which the Village President finds are sufficient to eliminate the effect of the violation charged and prevent its repetition; or

(3) The complainant fails or refuses, in good faith, to negotiate or accept a reasonable conciliation agreement.

(4) Nothing in this chapter shall be so construed as to contravene, or attempt to contravene, the provisions or intent of the Illinois Open Meeting Law.

#### 1-9-8 PUBLIC HEARING

(A) Notice of hearing and complaint; response.

(1) In case of failure of conciliation efforts, or in advance of such efforts, as determined by the Village President and after a final determination by the Village President of probable cause and after consulting

and coordinating with the office of the Village Attorney, the Village President shall cause to be issued and served in the name of the Village, a written notice of the time, initial date and place of hearing, together with a copy of the complaint, as the same may have been amended. Such hearing shall be scheduled not less than fifteen (15) days nor more than forty-five (45) days after the date that the notice was served.

(2) The notice shall be served by registered or certified mail, return receipt requested, or by personal service.

(3) The respondent shall file a verified response to the complaint within fourteen (14) days of the date of service of the complaint on the respondent. In the case that no response is filed within the fourteen (14) day period, the respondent shall not be entitled to file a written response prior to the hearing, except by leave of the Village President.

(B) Public hearing.

(1) The Village President shall rule on motions and all other matters and conduct the hearing according to the Village rules.

(2) The office of the Village Attorney shall present the Village's case. Efforts at conciliation and reconciliation shall not be received into evidence.

(3) The Village President, shall issue subpoenas at the instance of the complainant or the investigator, or at the instance of a respondent or the Village Attorney, whenever necessary to compel the attendance of a witness or to require the production for examination of any books, payrolls, records, correspondence, documents, papers or other evidence for preparation prior to or at a hearing or for purposes of investigating a harassment charge.

(4) If the respondent fails to appear at the hearing after having been served with notice the Village President shall proceed with the hearing on the basis of the evidence in support of the complaint.

(5) The respondent may appear at the hearing with or without representation, may examine and cross-examine the witnesses and the complainant, and may offer evidence.

(6) At the conclusion of any hearing, the Village President may ask the Village Attorney and the respondent to submit written statements summarizing the evidence presented and any authorities in support of their position, as well as suggested remedies. Such statements shall be submitted within fourteen (14) days after the

close of evidence.

#### 1-9-9 Decision.

(a) Within twenty-eight (28) days after the conclusion of the hearing, or within twenty-one (21) days after the date set for receipt of materials specified in Public Hearing subsection (f) above, the Village President shall render a decision as to whether or not the respondent has violated the provisions of this policy.

(b) If it is determined that a respondent has not engaged in an unlawful practice, the Village President shall issue and cause to be served on the respondent and the complainant a decision and order dismissing the case.

(c) If it is determined that a respondent has violated the provisions of this policy, the Village President shall issue and cause to be served on such respondent a decision and order, accompanied by findings of fact and conclusions of law, requiring such respondent to cease and desist from such unlawful practice, and to provide such remedies as in the judgment of the Village President will carry out the purposes of this policy.

#### 1-9-10 Remedies.

Remedies for violation of this chapter may include, but shall not be limited to, the following acts on behalf of the complainant and other aggrieved individuals:

- (a) Hiring, reinstating or upgrading, with or without back pay; or
- (b) Restoring any Village issued license or permit; or
- (c) Admitting to or allowing to participate in a program, apprenticeship training program, on-the-job training program or other occupational training or retraining program; or
- (d) The hiring, reinstatement or job upgrading of complainant with or without back pay and/or provision for fringe benefits as the complainant may have been denied in employment-related complaints; or
- (e) Attending or obtaining education or training, at respondent's expense, focused on alleviating discriminatory practices on the part of respondent.

Such remedies may be given alone or in combination with one another.

#### 1-9-11 Penalties.

Any Village officer or employee found in violation of any provision of this policy may be suspended, with or

1-9-12 Enforcement.

(a) If the Village President determines that the respondent has not, after thirty (30) calendar days following service of its order, corrected the unlawful violation of this policy, the Village President shall certify the matter to the Village Attorney for enforcement proceedings.

(b) The Village Attorney shall institute, in the name of the Village, civil proceedings, including seeking any restraining orders and temporary or permanent injunctions as are necessary to obtain complete compliance with the by the Village President's orders.

1-9-13 Review.

Any person suffering a legal wrong, or adversely affected or aggrieved by an order or decision of the Village President in a matter, pursuant to the provisions of this policy, is entitled to a judicial review thereof upon filing a written petition for such a review with the Circuit Court of the Tenth Judicial Circuit or any court of competent jurisdiction, within thirty (30) days from the date that a copy of the decision or final order sought to be reviewed was served on the party affected thereby.

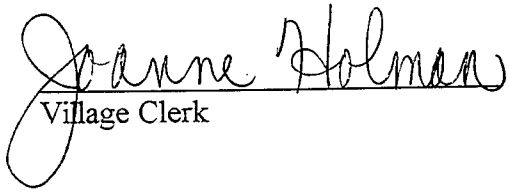
**SECTION TWO.** This Ordinance shall be in full force and effect ten days after its passage and publication as provided by law.

Passed and Approved by the President and the Board of Trustees of the Village of Bradford, Illinois, this 6th day of March, A.D. 2006.

Ayes:	<u>Adam Wilson, Henry Waldinger, John Cler,</u> <u>Joyce Bickett, Bob Harris and Bobbie Walters</u>
Nays:	<u>NONE</u>
Absent:	<u>NONE</u>

Approved: *Gary L. Quavaglia*  
Village President

ATTEST:

  
Village Clerk



**CERTIFICATION**

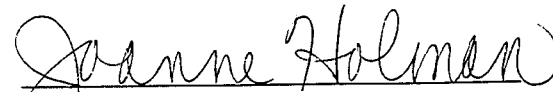
STATE OF ILLINOIS,            )  
COUNTY OF STARK,            )        SS.  
VILLAGE OF BRADFORD        )

I, the undersigned, Clerk of the **VILLAGE OF BRADFORD**, in the County of Stark and State of Illinois, do hereby Certify that the attached and foregoing constitutes a full, true and complete transcript of the minutes of the legally convened meeting of the Village Board of said Village held the 6<sup>th</sup> day of March, A.D. 2006, insofar as the same relates to the adoption of the following Ordinance entitled "**AN ORDINANCE ESTABLISHING THE VILLAGE'S SEXUAL HARASSMENT POLICY**" a true and accurate copy of said Ordinance being attached hereto.

I do further certify each member of the Village Board was given notice of said meeting in accordance with the procedural rules of the Village; that the deliberations of the Village Board were taken openly; that the vote on the adoption of said ordinance was taken openly; that said meeting was held at a time and place convenient to the public after strict compliance with all requirements of "An Act In Relation To Meetings" approved July 11, 1957, as amended (the Open Meetings Act), and that the Village Board has complied with all other applicable laws, ordinances, regulations and procedures in the adoption of said ordinance.

Dated this 6<sup>th</sup> day of March, A.D. 2006.

(CORPORATE SEAL)

  
Village Clerk