



VILLAGE OF RIVER FOREST
LOCAL ETHICS COMMISSION MEETING
Wednesday, September 29, 2021 – 6:15 PM
Village Hall – 400 Park Avenue – River Forest, IL 60305
First Floor Community Room

AGENDA

Public comments sent in advance of the meeting are shared with the Commission. You may submit your written public comments via email in advance of the meeting to: jpape@vrf.us. You may listen to the meeting by participating in a Zoom conference call as follows: dial-in number: 312-626-6799 with meeting ID: 823 9165 8549 or by clicking here: <https://us02web.zoom.us/j/82391658549>. If you would like to speak during public comment, please email jpape@vrf.us by 4:00 PM on Wednesday, September 29, 2021.

The agenda is as follows:

- I. Call to Order/Roll Call
- II. Citizen Comments
- III. Approval of Meeting Minutes – August 24, 2021
- IV. Old Business
 - a. Continued Discussion Regarding Review of Ethics Code
- V. New Business
- VI. Other Business
- VII. Adjournment

VILLAGE OF RIVER FOREST LOCAL ETHICS COMMISSION MEETING MINUTES

August 24, 2021

A meeting of the Local Ethics Commission was held on August 24, 2021 at 5:00 p.m. in the First Floor Community Room at the River Forest Village Hall, 400 Park Avenue.

I. CALL TO ORDER/ROLL CALL

The meeting was called to order at 5:02 p.m. Assistant to the Village Administrator Pape noted that the meeting was occurring telephonically, as well as in person, as permitted by the State of Illinois State of Emergency in response to the COVID-19 pandemic and Illinois Open Meetings Act. Upon roll call, the following persons were:

Present: Chair Daley, Commissioner Ignoffo.

Absent: Commissioner Senat.

Also Present: Assistant to the Village Administrator Jon Pape.

II. CITIZEN COMMENTS

None was heard.

III. INTRODUCTIONS

Chair Daley, Commissioner Ignoffo, and Mr. Pape all introduced themselves. Chair Daley shared that she is an attorney and has served previously on drafting Codes of Ethics for the Cook County Board of Ethics. Commissioner Ignoffo shared that he was also an attorney, who focused on litigation.

IV. OLD BUSINESS

Mr. Pape noted that the Commission had not met in some time, perhaps 2000, and no old business was had to be heard.

V. NEW BUSINESS

Chair Daley shared that it was her charge to get a written Code of Ethics established for the Village. Mr. Pape shared that the Village did have an existing Ethics Code that the Commission could begin by reviewing. Chair Daley said she had not yet reviewed it but certainly would. Commissioner Ignoffo said he had reviewed it and it seemed like a good starting point.

Chair Daley noted that items to focus on included; conflicts of interest, sexual harassment provisions, gift provisions or bans, and political activity. She said that during her work with the Cook County Board of Ethics, they hired an intern to review ethics codes for similarly sized entities and a key would be right sizing whatever they do for River Forest.

Local Ethics Commission Meeting Minutes
August 24, 2021

The Commission discussed what they could review regarding drafts in Executive Session. Mr. Pape said that could be reviewed with the Village Attorney. It was determined that Chair Daley and Mr. Pape would meet with the Village Attorney before the next meeting to review process for the Commission.

The Commission determined that its next meeting would be September 21st, 2021 at 5:00 p.m.

VII. ADJOURNMENT

A MOTION was made by Commissioner Ignoffo and SECONDED by Chair Daley to adjourn the August 24, 2021 meeting of the Historic Preservation Commission at 5:21 p.m.

AYES: Chair Daley, Commissioner Ignoffo.

NAYS: None.

Motion Passes.

Respectfully submitted:

Jonathan Pape
Assistant to the Village Administrator

Approved:

Peggy Daley, Chair
Local Ethics Commission

Date



Village of River Forest
Village Administrator's Office

400 Park Avenue
River Forest, IL 60305
Tel: 708-366-8500

MEMORANDUM

Date: September 15, 2021

To: Chair Daley, Local Ethics Commission

From: Jonathan Pape, Assistant to the Village Administrator

Subj: Continued Discussion Regarding Review of Ethics Code

During its September 21, 2021 meeting, the Local Ethics Commission will hold a continued discussion regarding the review of the current ethics code.

Accordingly, members are asked to please review the following relevant Village Code sections in advance of the meeting and bring any ideas for improvement to the meeting:

- [Title 1, Chapter 23: Ethics](#)
- [Title 1, Chapter 25: Anti-Harassment Policy](#)

For your convenience, you can click above to review the sections online or review the attached PDF versions.

CHAPTER 23

ETHICS

SECTION:

1-23-1: Definitions

1-23-2: Prohibited Political Activities

1-23-3: Gift Ban

1-23-3-1: Ethical Standards For Elected And Appointed Officers

1-23-4: Ethics Advisor

1-23-5: Ethics Commission

1-23-6: Penalties

1-23-1: DEFINITIONS:

For purposes of this chapter, the following terms shall be given these definitions:

CAMPAIGN FOR ELECTIVE OFFICE: Any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the selection, nomination, or election of presidential or vice presidential electors, but does not include activities: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.

CANDIDATE: A person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the election code ¹.

COLLECTIVE BARGAINING: Has the same meaning as that term is defined in section 3 of the Illinois public labor relations act ².

COMPENSATED TIME: Means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this chapter, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

COMPENSATORY TIME OFF: Authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

CONTRIBUTION: Has the same meaning as that term is defined in section 9-1.4 of the election code ³.

EMPLOYEE: A person employed by the village of River Forest, whether on a full time or part time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

EMPLOYER: The village of River Forest.

GIFT: Any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

LEAVE OF ABSENCE: Any period during which an employee does not receive: a) compensation for employment, b) service credit towards pension benefits, and c) health insurance benefits paid for by the employer.

OFFICER: A person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

POLITICAL ACTIVITY: Any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities: a) relating to the support or opposition of any executive, legislative, or administrative action, b) relating to collective bargaining, or c) that are otherwise in furtherance of the person's official duties.

POLITICAL ORGANIZATION: A party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the state board of elections or a county clerk under section 9-3 of the election code ⁴, but only with regard to those activities that require filing with the state board of elections or a county clerk.

PROHIBITED POLITICAL ACTIVITY:

A. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

B. Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

- C. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- D. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- E. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- F. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- G. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- H. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- I. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- J. Preparing or reviewing responses to candidate questionnaires.
- K. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- L. Campaigning for any elective office or for or against any referendum question.
- M. Managing or working on a campaign for elective office or for or against any referendum question.
- N. Serving as a delegate, alternate, or proxy to a political party convention.
- O. Participating in any recount or challenge to the outcome of any election.

PROHIBITED SOURCE: Any person or entity who:

- A. Is seeking official action: 1) by an officer or 2) by an employee, or by the officer or another employee directing that employee;
- B. Does business or seeks to do business: 1) with the officer or 2) with an employee, or with the officer or another employee directing that employee;
- C. Conducts activities regulated: 1) by the officer or 2) by an employee, or by the officer or another employee directing that employee; or
- D. Has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee. (Ord. 3074, 5-24-2004)

Notes

- 1. 10 ILCS 5/1-3.
- 2. 5 ILCS 315/3.
- 3. 1. 10 ILCS 5/9-1.4.
- 4. 2. 10 ILCS 5/9-3.

1-23-2: PROHIBITED POLITICAL ACTIVITIES:

- A. Village employees shall not intentionally perform any prohibited political activity during any compensated time. Except as noted herein, village employees shall not intentionally use any village property or resources by engaging in any prohibited political activity. Except as noted herein, village officers shall not intentionally use any village property or resources for any campaign for elective office.
- 1. Exceptions:
 - a. A village employee may use a village vehicle designated for his/her unrestricted full time use for any purpose while not on compensated time, and
 - b. A village officer may use any room for a political campaign which room is available for use by the general public.
- B. At no time shall any officer or village employee intentionally use the services of any village employee by requiring that village employee to perform any prohibited political activity: 1) as part of that employee's village duties, 2) as a condition of village employment, or 3) during any compensated time.
- C. A village employee shall not be required at any time to participate in any prohibited political activity in consideration for that village employee being awarded any additional compensation or employee benefit.

D. A village employee shall not be awarded any additional compensation or employee benefit in consideration for the village employee's participation in any prohibited political activity.

E. Nothing in this section prohibits activities that are otherwise appropriate for a village employee to engage in as a part of his or her official village employment duties or activities that are undertaken by a village employee on a voluntary basis as permitted by law.

F. No person either: 1) in a position that is subject to recognized merit principles of public employment or 2) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the federal standards for a merit system of personnel administration applicable to grant in aid programs, shall be denied or deprived of village employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club. (Ord. 3074, 5-24-2004)

1-23-3: GIFT BAN:

A. Solicitation Or Acceptance Of Gifts: Except as set forth in subsection B of this section, no officer or employee, and no spouse or of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any "prohibited source", as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this section.

B. Exceptions: Subsection A of this section is not applicable to the following:

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
3. Any: a) contribution that is lawfully made under the election code or b) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions.
5. Travel expenses for a meeting to discuss business.
6. A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: a) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; b) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and c) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
8. Food or refreshments not exceeding seventy five dollars per person in value on a single calendar day; provided that the food or refreshments are: a) consumed on the premises from which they were purchased or prepared or b) catered. For the purposes of this section, "catered", means food or refreshments that are purchased ready to consume which are delivered by any means.
9. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
10. Intragovernmental and intergovernmental gifts. For the purpose of this act, "intragovernmental gift" means any gift given to an officer or employee from another officer or employee, and "intergovernmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
11. Bequests, inheritances, and other transfers at death.
12. Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than one hundred dollars.

Each of the exceptions listed in this subsection B is mutually exclusive and independent of every other.

C. Disposition Of Gifts: An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this chapter if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the internal revenue code of 1986, as now or hereafter amended, renumbered, or succeeded. (Ord. 3074, 5-24-2004)

1-23-3-1: ETHICAL STANDARDS FOR ELECTED AND APPOINTED OFFICERS:

A. Purpose And Application: The village of River Forest has adopted these ethical standards for elected and appointed officers (hereinafter referred to in this section as the "ethical standards") to assure public confidence in the integrity of local government and its effective and fair operation. This section shall apply to all "officers" of the village as defined in this chapter and shall include, without limitation, the village president, members of the village board, and the members of all advisory boards and commissions of

the village.

B. Policy Statement: The citizens and businesses of the village are entitled to have fair, ethical and accountable local government officers which have earned the public's full confidence. In keeping with the village's commitment to excellence, the effective functioning of democratic government requires that:

1. Officers comply with the letter and spirit of the laws and policies affecting the operations of government and avoid even the appearance of impropriety;
2. Officers be independent, impartial and fair in their judgment and actions;
3. Officers use public office for the public good, not for personal gain;
4. Public deliberations and processes are conducted transparently, unless legally entitled to be conducted in executive session, in an atmosphere of respect and civility; and
5. Public deliberations and processes are free of abusive conduct and personal attacks that are unrelated to public business.

C. Ethical Standards: Pursuant to the above policy statement and to assure public confidence in the integrity of local government and commitment to respect and civility in public discourse, all officers shall comply with the following:

1. Working For The Common Good: Recognizing that stewardship of the public interest must be their primary concern, officers shall work for the common good of the people of the village of River Forest and not for any private or personal interest, and they shall assure fair and equal treatment of all persons, claims and transactions coming before the village board, as well as various advisory boards and commissions.

2. Compliance With Laws: Officers shall comply with the laws of the United States, the state of Illinois and the village of River Forest in the performance of their public duties. These laws include, without limitation: the United States and Illinois constitutions; the state and county laws pertaining to conflicts of interest, gift bans, election campaign disclosures, employer responsibilities, and open processes of government; and local ordinances and policies.

3. Respect For Process: Officers shall perform their duties in accordance with the processes and rules of order established by the village board and the advisory boards and commissions of the village governing the deliberation of public policy issues, meaningful involvement of the public, and implementation of policy decisions of the village board by the village staff.

4. Conduct Of Public Meetings: Officers shall prepare themselves for public issues; listen courteously and attentively to all public discussions before the public body; and focus on the business at hand. Officers shall further refrain from interrupting other speakers; making personal comments not germane to the business of the body; or otherwise interfering with the orderly conduct of meetings.

5. Sharing Of Relevant Information: Officers shall publicly share substantive information that is relevant to a matter under consideration by the public body, which may have been received from sources outside of the public decision making process.

6. Conflict Of Interest: In order to assure their independence and impartiality on behalf of the common good, officers shall not use their official positions to influence government decisions in which they currently have or are actively pursuing a financial interest or an organizational responsibility or personal relationship which may create a conflict of interest, or which give the appearance of a conflict of interest. As may be related to matters before them, officers shall disclose investments, interests in real property, sources of income, and gifts; and they shall abstain from participating in deliberations and decision making where conflicts may exist.

7. Confidential Information: Officers shall respect the confidentiality of information concerning the property, personnel or affairs of the village. Officers shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

8. Use Of Public Resources: Officers shall be prohibited from using public resources not available to the public in general, such as village staff time, equipment, supplies or facilities, for private gain or personal purposes.

9. Representation Of Private Interests: In keeping with their role as stewards of the public interest, officers shall not appear on behalf of the private interests of third parties before any board or commission of the village on which they serve, and for purposes of this subsection the plan commission, zoning board of appeals, and development review board shall be considered as one commission.

10. Positive Workplace Environment: Officers shall support the maintenance of a positive and constructive workplace environment for village staff and for citizens and businesses dealing with the village. Officers shall recognize their special role in dealings with village staff to in no way create the perception of inappropriate direction to village staff.

11. Policy Role Of Officers: Officers shall respect and adhere to the administrative structure of the village as outlined by this code. The village board determines the policies of the village with the advice, information and analysis provided by the public, boards and commissions, and village staff. Officers shall not interfere with the administrative functions of the village or the professional duties of the village administrator, nor shall they impair the ability of village staff to implement village policy decisions.

12. Statement Of Economic Interest: All officers, including appointees to village commissions, shall file a statement of economic interest with the Cook County Clerk with the information required by, and within the time required by, article 4A of the Illinois Governmental Ethics Act, 5 Illinois Compiled Statutes 420/4A, as amended.

D. Implementation: The ethical standards are intended to be self-enforcing and are most effective when officers are thoroughly familiar with and embrace the ethical standards. Therefore, the ethical standards shall be included in the regular orientations for all officers. Upon entering office, each officer shall sign a statement affirming they have read and understand the ethical standards.

E. Enforcement: Unless the conduct in question also violates federal, state, or county law, rules or regulations, or also violates

other sections of this chapter or any other chapter of this code, the village board shall have the exclusive authority to enforce the ethical standards of this section and impose penalties for violations thereof. Except as otherwise provided by law, a violation of the ethical standards shall in no way be construed as a basis for challenging the validity of a decision rendered by the village board or any advisory board or commission of the village. Members of the public are encouraged to bring violations of the ethical standards to the attention of the village board.

F. Penalties: Penalties for violations of this section shall be in the form of reprimand, formal censure or removal of an officer from an advisory board or commission of the village. Further, the village board shall have the option of referring a violation of this section to the village prosecutor for issuance of a citation in the circuit court of Cook County, in which case the village prosecutor shall seek a monetary fine pursuant to section 1-23-6 of this chapter. However, no penalty shall be imposed by the village board under this section without first providing an officer with reasonable notice of the charges and an opportunity to be heard. The penalties provided for in this section shall be considered cumulative and shall in no way be construed as preventing the enforcement of any federal, state or county law, rule or regulation, or other sections of this chapter or any other chapter of this code. (Ord. 3352, 10-12-2010; amd. Ord. 3809, 5-26-2020)

1-23-4: ETHICS ADVISOR:

The village attorney shall serve as the village's ethics advisor and shall provide guidance to the officers and employees of the village concerning the interpretation of and compliance with the provisions of this chapter. (Ord. 3074, 5-24-2004)

1-23-5: ETHICS COMMISSION:

A. There is hereby created a commission to be known as the ethics commission of River Forest. The commission shall be comprised of a chairperson and two other members nominated by the village president and approved by the board of trustees. All members shall be residents of the village. No person shall be appointed as a member of the commission who is related, either by blood or by marriage up to the degree of first cousin, to any elected officer of the village. Initially, two commissioners shall serve two year terms, and the third commissioner shall serve a one year term. Thereafter, all commissioners shall be appointed to two year terms. Commissioners may be reappointed to serve subsequent terms. A quorum shall consist of two commissioners, and official action by the commission shall require the affirmative vote of two members. (Ord. 3596, 4-25-2016)

B. The commission shall have the following powers and duties:

1. To promulgate procedures and rules governing the performance of its duties and the exercise of its powers.
2. Upon receipt of a signed, written complaint, to investigate, conduct hearings and deliberations, issue recommendations for disciplinary actions, impose fines in accordance with section 1-23-6 of this chapter and refer violations of this chapter to the appropriate attorney for prosecution. The commission shall act only upon the receipt of a signed, written complaint alleging a violation of this chapter and clearly identifying the complainant, and not upon its own initiative or an anonymous complaint.
3. To receive information from the public pertaining to its investigations and to require additional information and documents from persons who may have violated the provisions of this chapter.
4. To compel the attendance of officers and employees and to compel the production of books and papers pertinent to an investigation. It is the obligation of all officers and employees of the village to cooperate with the commission during the course of its investigations. Failure or refusal to cooperate with requests by the commission shall constitute grounds for discipline or discharge.
5. The powers and duties of the commission are limited to matters clearly within the purview of this chapter.

C. 1. Complaints alleging a violation of this chapter shall be filed with the ethics commission upon receipt by the village, unless the complaint alleges facts which may, in the opinion of the village attorney (or village administrator if the village attorney is the alleged offender), constitute a crime. If the complaint alleges facts which may constitute a crime, it shall first be referred to a law enforcement agency or the state's attorney and may later be filed with the commission if the agency or state's attorney declines prosecution or fails to act within thirty days.

2. Within three business days after the receipt of a complaint, the commission shall send by certified mail, return receipt requested, a notice to the respondent that a complaint has been filed against him or her and a copy of the complaint. The commission shall send by certified mail, return receipt requested, a confirmation of the receipt of the complaint to the complainant within three business days after receipt by the commission. The notices to the respondent and the complainant shall also advise them of the date, time, and place of the meeting to determine the sufficiency of the complaint and to establish whether probable cause exists to proceed. A copy of the complaint shall be provided to the village attorney, village administrator, village president and village trustees immediately upon its receipt by the commission.

3. Upon not less than forty eight hours' public notice, the commission shall meet to review the sufficiency of the complaint and, if the complaint is deemed sufficient to allege a violation of this chapter, to determine whether there is probable cause, based on the evidence presented by the complainant, to proceed. All complaints shall be treated as confidential until such time as the commission determines that there is probable cause to proceed. The meeting may be closed to the public to the extent authorized by the open meetings act. The commission shall issue notice to the complainant and the respondent of the commission's ruling on the sufficiency of the complaint and, if necessary, on probable cause to proceed within seven business days after receiving the complaint.

4. If the complaint is deemed sufficient to allege a violation of this chapter and there is a determination of probable cause, then the commission's notice to the parties shall include a hearing date scheduled within four weeks after the complaint's receipt. Alternatively, the commission may elect to notify in writing the attorney designated by the corporate authorities to prosecute such actions and request that the complaint be adjudicated judicially. If the complaint is deemed not sufficient to allege a violation or if there is no determination of probable cause, then the commission shall send by certified mail, return receipt requested, a notice to the parties of the decision to dismiss the complaint, and that notice shall be made public.

5. If the complaint is deemed sufficient to allege a violation of this chapter, then the commission shall notify in writing the attorney designated by the corporate authorities to prosecute such actions and shall transmit to the attorney the complaint and all additional documents in the custody of the commission concerning the alleged violation.

6. On the scheduled date and upon at least forty eight hours' public notice of the meeting, the commission shall conduct a hearing on the complaint and shall allow both parties the opportunity to present testimony and evidence. The hearing may be closed to the public only if authorized by the open meetings act.

7. Within thirty days after the date the hearing or any recessed hearing is concluded, the commission shall either: a) dismiss the complaint or b) issue a recommendation for discipline to the alleged violator and to the village administrator or if the village administrator is the alleged violator to the village president or impose a fine upon the violator, or both. The particular findings in the case, any recommendation for discipline, and any fine imposed shall be a matter of public information.

8. If the hearing was closed to the public, the respondent may file a written demand for a public hearing on the complaint within seven business days after the issuance of the recommendation for discipline or imposition of a fine, or both. The filing of the demand shall stay the enforcement of the recommendation or fine. Within fourteen days after receiving the demand, the commission shall conduct a public hearing on the complaint upon at least forty eight hours' public notice of the hearing and allow both parties the opportunity to present testimony and evidence. Within seven days thereafter, the commission shall publicly issue a final recommendation to the alleged violator and to the village president or village administrator, or impose a fine upon the violator, or both.

9. If a complaint is filed during the sixty days preceding the date of any election at which the respondent is a candidate, the commission shall render its decision as required under subsection C7 of this section within seven days after the complaint is filed, and during the seven days preceding that election, the commission shall render such decision before the date of that election, if possible.

10. The commission may fine any person who intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter. The commission may recommend any appropriate discipline up to and including discharge for any village employee found in violation of this chapter or person filing a frivolous complaint. The recommendation of the commission shall be deemed sufficient cause for discipline or discharge without further proceedings by the village, unless the offender is subject to the jurisdiction of the police and fire commission or as otherwise required by a collective bargaining agreement or employment contract.

11. A complaint alleging the violation of this chapter must be filed within six months after the alleged violation. (Ord. 3074, 5-24-2004)

1-23-6: PENALTIES:

A. A person who intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter is subject to a fine in an amount of not less than fifty dollars and not more than seven hundred fifty dollars.

B. In addition to a fine, any village employee who intentionally violates any provision of this chapter or who knowingly files a frivolous complaint alleging a violation of this chapter is subject to discipline or discharge. (Ord. 3074, 5-24-2004)

CHAPTER 25

ANTI-HARASSMENT POLICY

SECTION:

1-25-1: Purpose

1-25-2: Prohibited Conduct

1-25-3: Sexual Harassment

1-25-4: Employee Responsibility

1-25-5: Reporting Complaints Of Harassment

1-25-6: Village Response

1-25-7: Federal And State Remedies

1-25-8: Policy Against Retaliation

1-25-9: Confidentiality

1-25-1: PURPOSE:

The Village is committed to maintaining an environment free from discrimination and harassment. In keeping with this commitment, the Village will not tolerate any form of harassment that violates this policy. This policy forbids harassment by any employee, supervisor, elected official, vendor, client, customer or other person, against any employee or third party. (Ord. 3671, 12-11-2017)

1-25-2: PROHIBITED CONDUCT:

A. Harassment consists of discriminatory employment action and any unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, including race, age, genetic information, sex, sexual orientation, color, religious affiliation, political preference, national origin, disability, ancestry, marital status, status as a civil partner, unfavorable discharge from the military (except dishonorable), or other protected status under applicable law. The Village will not tolerate harassing conduct that results in tangible employment action that interferes unreasonably with an individual's work performance, or that creates an intimidating, hostile or offensive work environment.

B. The conduct forbidden by this policy specifically includes, but is not limited to:

1. Bullying, causing mental distress, epithets, slurs, negative stereotyping, threatening or intimidating acts that are based on a person's protected status; and

2. Written or graphic material circulated, available on the Village's computer system, or posted or distributed within the workplace that is obscene, hostile or derogatory toward a person or persons because of their protected status.

C. Even where the conduct is not sufficiently severe or pervasive to constitute actionable harassment, the Village discourages any such conduct in the workplace and such conduct may serve as the basis for disciplinary action under the Village's policies. (Ord. 3671, 12-11-2017)

1-25-3: SEXUAL HARASSMENT:

A. This policy forbids harassment based on gender regardless of whether the offensive conduct is sexual in nature and regardless of whether the individual being harassed is of the same or different gender.

B. Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct based on sex constitute sexual harassment when: 1) submission to the conduct is an explicit or implicit term of employment, 2) submission to or rejection of the conduct is used as a basis for an employment decision affecting an individual (tangible employment action), 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.

C. This policy forbids any unwelcome or harassing conduct based on gender regardless of whether it rises to the level of a legal violation.

D. The Village considers the following conduct to represent, but are not limited to, some of the types of acts that violate this policy:

1. Physical assaults of a sexual nature including but not limited to rape, sexual battery or molestation, intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, etc.

2. Unwanted sexual advances, propositions or other sexual comments including, but not limited to sexually oriented gestures, noises, remarks, and jokes, sexual innuendo or suggestive comments, or verbal abuse of a sexual nature. Also included are preferential treatment and promises of a preferential treatment to an employee for submitting to sexual conduct.

3. Sexual or discriminatory displays or publications anywhere in the Village's workplace by Village employees including but not limited to pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually suggestive, demeaning or pornographic. (Ord. 3671, 12-11-2017)

1-25-4: EMPLOYEE RESPONSIBILITY:

Everyone at the Village can help assure that the workplace is free from prohibited discrimination or harassment. Every employee is

expected to refrain from any behavior or conduct that could reasonably be interpreted as prohibited harassment. (Ord. 3671, 12-11-2017)

1-25-5: REPORTING COMPLAINTS OF HARASSMENT:

In the event an employee believes he or she has been confronted by or has witnessed an act of harassment, it is the employee's responsibility to immediately report such action to the employee's Supervisor, Department Head, Assistant Village Administrator, Village Administrator or Village Attorney. These are the individuals who are authorized by this policy to receive and act upon complaints of harassment or discrimination on behalf of the Village. This policy does not require reporting harassment or discrimination to any individual who is the source of the harassing or discriminatory conduct.

It is critical in establishing a workplace free of harassment that an individual who experiences or witnesses an incident perceived as being harassing has access to a mechanism for reporting such incidents. At the same time, the purposes of this policy against harassment in the workplace are not furthered where a complaint is found to be false and frivolous and made to accomplish some other end than stopping harassment. A complaint that is determined to be false and frivolous can result in a severe level of discipline or discharge. A false or frivolous complaint does not refer to complaints made in good faith that cannot be proven. (Ord. 3671, 12-11-2017)

1-25-6: VILLAGE RESPONSE:

Once the Supervisor, Department Head, Assistant Village Administrator, or Village Attorney receives a complaint, it shall be their responsibility to notify the Village Administrator on the date of the alleged occurrence if reasonably possible, or on the next business day. All complaints will be taken seriously and given a high priority. The Village Administrator will direct that an investigation be conducted and the nature of such investigation will depend on the circumstances of the complaint. The Village may put reasonable interim measures in place, such as a leave of absence or a transfer, to diminish the potential for further harassment while the investigation takes place. The Village will take further appropriate action once the complaints have been thoroughly investigated. That action may be a conclusion that a violation occurred, as explained immediately below. The Village might also conclude, depending on the circumstances, either that no violation of policy occurred or that the Village cannot conclude whether or not a violation occurred.

If an investigation reveals that a violation of this policy or other inappropriate conduct has occurred then the Village will take corrective action, including discipline up to and including dismissal, as is appropriate under the circumstances, regardless of the job positions of the parties involved. The Village may discipline an employee for any inappropriate conduct discovered in investigating reports made under this policy, regardless of whether the conduct amounts to a violation of law. If the person who engaged in harassment is not employed by the Village, then the Village will take whatever corrective action is reasonable and appropriate under the circumstances. (Ord. 3671, 12-11-2017)

1-25-7: FEDERAL AND STATE REMEDIES:

A. The Village prefers to resolve any complaints regarding unlawful harassment or discrimination in violation of this policy internally, but also recognizes the employee's right to file administrative claims with the following Federal and State agencies:

1. United States Equal Employment Opportunity Commission
500 W. Madison Street, Suite 2800
Chicago, IL 60661
Chicago: 800-669-4000
Chicago TTY: 800-869-8001
Charges must be filed within 300 days of the incident.
2. State of Illinois Department of Human Rights (IDHR)
100 W. Randolph Street, 10th Floor
Chicago, IL 60601
Chicago: 312-814-6200 or 800-662-3942
Chicago TTY: 866-740-3953
Charges must be filed within 180 days of the incident.

(Ord. 3671, 12-11-2017)

1-25-8: POLICY AGAINST RETALIATION:

The Village forbids retaliation toward or against any individual who makes a good-faith complaint of harassment; assists or cooperates in an investigation of a complaint by someone else, whether internally or with an external agency; or files a charge of discrimination or harassment; or otherwise provides information in a proceeding, including in a court, administrative or legislative hearing, related to violations of discrimination or harassment laws. Examples of the types of retaliation that are prohibited include intimidation; discrimination; verbal or physical abuse; adverse actions with respect to pay, work assignments, and other terms of employment; termination of employment; or threats of any such action. Retaliation is a serious violation of this policy that may result in discipline up to and including dismissal. All employees who experience or witness any conduct they believe to be retaliatory should immediately follow the complaint procedures stated above. (Ord. 3671, 12-11-2017)

1-25-9: CONFIDENTIALITY:

In investigating and in imposing any discipline, the Village will attempt to preserve confidentiality to the extent that the needs of the situation permit. (Ord. 3671, 12-11-2017)