



## DECATUR PUBLIC LIBRARY

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### BOARD OF TRUSTEES

### Personnel, Policy, and Public Relations Committee

### AGENDA

**Thursday, February 4, 2021 4:30 p.m.**

### Remote Meeting via Zoom

Meeting Video Link: <https://us02web.zoom.us/j/85224460630>

Meeting Phone Number: +1 312 626 6799

Meeting ID: 852 2446 0630

- I. Call to Order – Michael Sexton  
**Remote Attendance. Pursuant to State Executive Orders 2020-07 and 2020-18, which temporarily suspend the in-person presence requirements and eliminate the limitation on remote access of the Illinois Open Meetings Act due to the COVID-19 pandemic, the Board is not requiring physical attendance at the meeting, and will allow all Board members to attend this meeting remotely and fully participate remotely.**
- II. Approval of agenda
- III. Minutes
  1. Minutes of January 7, 2021 meeting
- IV. **Public comments** – The Decatur Public Library’s Board Room will be not be open to the public during this Library Board Committee Meeting, and the meeting will be held remotely. For those wishing to provide public input, please email your statement to [rmeyer@decaturlibrary](mailto:rmeyer@decaturlibrary) by 4:00 pm Thursday February 4, 2021. The statement will be read into the record per Library Board public input rules. Anyone can attend virtually via Zoom. Additional instructions are attached.
- V. Written Communications from the Public
- VI. New Business
  1. Personnel Update (Discussion)
  2. Board of Trustees Bylaws (Action)
  3. Library Records Confidentiality Policy (Action)

4. Other (Discussion)
- VII. Old Business
1. Sexual Harassment and Retaliation Policy (Action)
  2. Workplace Discrimination, Harassment, Violence, and Retaliation Policy (Action)
  3. Diversity, Equity, Inclusion (Discussion)
  4. Other (Discussion)
- VIII. Adjournment

If you have questions please contact:

Rick Meyer, City Librarian

421-9713 [rmeyer@decaturlibrary.org](mailto:rmeyer@decaturlibrary.org)

BOARD OF TRUSTEES  
DECATUR PUBLIC LIBRARY  
DECATUR, ILLINOIS  
BYLAWS

ADOPTED DECEMBER 16, 1966

DECATUR PUBLIC LIBRARY BOARD OF TRUSTEES

Responsibility and Authority

The responsibility and authority of the Library Board of the Decatur Public Library is derived from the Illinois Library Act (75 ILCS/5).

Article 1. LIBRARY BOARD

The Library Board shall, subject to the provisions of Chapter 21 of the City Code, have power to make and enforce all rules and regulations necessary for the administration and government of the library, and to exercise and administer any trust declared or created for such library.

Officers

The officers of the Board shall be President, Vice-President, and Secretary.

Duties

The President shall preside at all meetings of the Board and shall appoint all committees, issue calls for special meetings, assist in developing the agenda with the City Librarian, and perform all other usual duties of a presiding officer. The president shall serve as a voting member of all standing committees.

The Vice-President shall assume the duties of the President in the absence or incapacity of that officer.

The Secretary shall keep a true and accurate account of all proceedings of the board meetings; shall issue notices of all meetings, and shall provide for safekeeping of all minutes and records of the board. The secretary may delegate the recording of the proceedings of the meetings to a library staff member designated by the City Librarian.

These officers are empowered to execute contracts relating to library service for patrons residing outside of the City upon such terms and conditions as the Library board shall deem best, provided that the contract is not in conflict with the related IL Statute or ordinances of the City.

## Removal

Any officer elected as provided in the bylaws may be removed by a majority vote of the Trustees when, in their judgment, the best interest of the Board will be served by such a removal.

## Resignation

Any officer may, at any time, resign his or her office by writing to the President or Vice President of the Board of trustees. Such resignation shall be effective upon receipt unless it states another date.

If the office of vice president or secretary becomes vacant for any reason, the Board may fill such vacancy by a majority vote at any meeting.

## Article 2. MEETINGS

### Regular Meetings

The Board shall meet regularly on a day, time, and place to be determined at the Board's Annual Meeting. This schedule shall be made public in accordance with the Illinois Open Meetings Act. In the event that the meeting date falls on a holiday, the regular meeting shall be held the following week. This meeting day and time may be changed by majority agreement of the Board, provided written notice is given seven days prior to the meeting. The Board, by majority agreement, may waive a monthly meeting, but in no event shall more than two successive months pass without a regular meeting of the Board. Meetings shall be open to the public as provided by Statute.

### Annual Meeting

The Annual Meeting shall be held on the same day as the regular February meeting of the Board. Reports of the City Librarian, Board of Trustees, and the Illinois Public Library Annual Report (IPLAR) shall be presented for approval. Upon approval, these reports will be transmitted to the City Council or other agencies in accordance with law. Election of officers shall be held at the Annual Meeting.

### Special Meetings

Special meetings may be called by the President or City Librarian or upon written request of three members of the Board. Calls for special meetings must state the agenda for business to be transacted, provided that notice with the agenda of the special meeting is given at least 48 hours in advance, except in the case of a bona fide emergency, to board members and to any news medium which has filed an annual request for notice under the Open Meetings Act; no business except that stated in the notice and agenda shall be transacted. Notice and agenda shall be posted 48 hours in advance on the door of the library Board Room except in the case of a bona fide emergency.

## Absences

In the absence of both the President and the Vice-President, the meeting shall be presided over by one of the trustees present who shall be chosen by the members for that purpose.

## Quorum

A majority of the Board members currently seated on the Board shall constitute a quorum for the transaction of business at any regular or annual meeting.

## Election of Officers and Term of Office

Officers shall be elected in February of each year and shall serve for one year, said term to end on the last day of February or as soon thereafter as their successor may be qualified. The term of qualified successors shall begin on the first day of March.

## Meeting Structure

Meetings shall be conducted following the current edition of Roberts Rules of Order to the extent possible.

## Electronic Attendance at Meetings Rules

Section 1. Rules Statement. It is the decision of Decatur Public Library that any member of the Board of Trustees may attend any open or closed meeting of the Board of Trustees via electronic means (such as by telephone, video or internet connection) provided that such attendance is in compliance with these rules and any applicable laws.

Section 2. Prerequisites. A member of the Board of Trustees may attend a meeting electronically if the member meets the following conditions:

- (a) The member should notify the Decatur Public Library Librarian at least one hour before the meeting, unless impractical, so that necessary communications equipment can be arranged. Inability to make the necessary technical arrangements may result in denial of a request for remote attendance.
- (b) The member must assert one of the following three reasons why he or she is unable to physically attend the meeting,
  - 1) The member cannot attend because of personal illness or disability; or
  - 2) The member cannot attend because of employment purposes or the business of the Decatur Public Library; or
  - 3) The member cannot attend because of a family or other emergency.

Section 3. Authorization to Participate.

- (a) The Decatur Public Library Librarian, after receiving the electronic attendance request, shall inform the Board of Trustees of the request for electronic attendance.

(b) After establishing that this a quorum is physically present at meeting where member of the Board of Trustees desires to attend electronically, the presiding officer shall state that (i) a notice was received in accordance with these Rules, and (ii) the member will be deemed authorized to attend the meeting electronically unless a motion objecting to the member's electronic attendance is made, seconded, and approved by two-thirds of the members of the Board of Trustees physically at the meeting. If no such motion is made and seconded or if any such motion fails to achieve the required vote by the members of the Board of Trustees physically present at the meeting, then the request by the Board of Trustees and the presiding officer shall declare the requesting member present. After such declaration by the presiding officer, the question of a member's electronic attendance may not be reconsidered.

Section 4. Adequate Equipment Required. The member participating electronically, and other members of the Board of Trustees must be able to communicate effectively, and members of the audience must be able to hear all communications at the meeting site. Before allowing electronic attendance at any meeting, the Board of Trustees shall provide equipment adequate to accomplish this objective at the meeting site.

Section 5. Minutes. Any member attending electronically shall be considered an offsite attendee and counted as present electronically for that meeting if the member is allowed to attend. The meeting minutes shall also reflect and state specifically whether each member is physically present or present by electronic means.

Section 6. Rights to Remote Member. A member permitted to attend electronically will be able to express his or her comments during the meeting and participate in the same capacity as those members physically present, subject to all general meeting guidelines and procedures previously adopted and adhered to. The member attending electronically shall be heard, considered, and counted as to any vote taken. Accordingly, the name of any member attending electronically shall be called during any vote taken, and his or her vote counted and recorded and placed in the minutes for the corresponding meeting. A member attending electronically may leave a meeting and return as in the case of any member, provided the member attending electronically shall announce his or her leaving and returning.

Section 7. Committees. Boards and Commissions. These rules shall apply to all committees, boards and commissions established by authority of the Board of Trustees.

Article 3. ORDER OF BUSINESS

The order of business at the regular meetings shall be presented in writing to each board member and shall be as follows:

- |                         |                       |
|-------------------------|-----------------------|
| Call to Order           | Reports of Committees |
| Approval of Minutes     | Old Business          |
| Communications          | New Business          |
| City Librarian's Report | Public Comments       |
| Adjournment             |                       |

Vote on all matters involving the expenditure of funds will be by roll call.

#### Article 4. COMMITTEES/REPRESENTATIVES

The following standing committees shall be appointed by the President to serve for one year and shall each consist of five Board members to include a chairman, three other Board members, and the President:

Committee on Finance and Properties  
Committee on Personnel, Policy, and Public Relations

Each of these committees shall meet regularly at a day time, and place to be determined at the Board's Annual Meeting. This schedule shall be made public in accordance with the Illinois Open Meetings Act. The meeting day and time may be changed by majority agreement of the Committee, provided written notice is given seven days prior to the meeting. If no agenda items have been identified or if a quorum of the members will not be present, the meeting will be cancelled and notification of the cancellation will be given.

The duties of each of these committees shall be such as are associated with its name and related policies or shall be committed to it by action of the President with the advice and consent of the Board.

The duties of the Personnel, Policy, and Public Relations committee will also include the evaluation of the City Librarian, the formulation of goals, and the recommendation to the Board of such goals and/or evaluation.

Trustees will also be appointed by the President to serve for one year on other required boards, including but not limited to the Friends of the Decatur Public Library and the Decatur Public Library Foundation.

Special committees for the study and investigation of special problems may be appointed by the President, and will serve until completion of the work for which they were established.

#### Article 5. RECORDS OF THE BOARD

All records of the Library Board shall be kept in the Library and any other locations designated by the Board of Trustees. All such records, except those of closed sessions, shall be open to public inspection during regular hours of operation of the Library Administrative Office. All Board minutes shall also be available on the Library website within 5 business days after approval by the Board.

#### Article 6. CITY LIBRARIAN

The City Librarian shall:

1. Serve at the pleasure of the Board of Trustees.

2. Be considered the executive officer of the Board and shall have sole charge of the administration of the library under the direction and review of the Board.
3. Attend all Board and committee meetings, except where the City Librarian's salary, performance, or continued employment is under discussion.
4. Be held responsible for carrying out the policies of the Board, for recommending needed policies for Board action, and acting as technical advisor to the Board.
5. Appoint or hire members of the staff in accordance with Decatur Civil Service Commission regulations.
6. Be responsible for the care of library property and the general management of library services, for suggesting plans for extending the library services, and preparing reports showing the library's current progress and future needs.
7. Prepare an annual budget request for the library in consultation with the Board.
8. Oversee the selection and ordering of all books and library materials within the framework of book selection policies approved by the Board.
9. Be expected, when practicable, to represent the library in the community and in state, regional, and national professional organizations and meetings.
10. Make statistical and evaluative reports to the Board, subject to the review and approval of the Board, and control expenditures of library funds under regulations established by the City of Decatur.
11. Maintain close liaison with the City of Decatur administrative staff in order that library policies will be in the closest possible accord with those practiced by the City.
12. Use any services which can be provided by the City, its advisory groups, or other governmental agencies and approved by the Library Board, especially in the areas of procurement, fiscal accounting, maintenance, programming of capital improvements, planning, and special studies.
13. Fulfill other duties as directed by the Board.

#### Article 7. DUTIES AND RESPONSIBILITIES OF TRUSTEES

1. Attend all Board meetings. If a Trustee misses more than 3 consecutive regularly scheduled committee meetings or 3 consecutive full Board meetings, the Board President or designee will contact the absent member and consult about their possible resignation.
2. Hire a competent and qualified City Librarian.
3. Determine and adopt written policies to govern the operation and programs of the library,



- including contracting for necessary expenses.
4. Excuse himself or herself from any voting where a conflict of interest might be determined.
  5. Comply with all applicable statutes regarding bids.
  6. Determine the needs of the library and secure adequate funds for the library's programs. Review and submit an annual budget request to the City Council.
  7. Know the program and needs of the library in relation to the community, know the local and state laws, keep abreast of standards and library trends and support action to improve the library program.
  8. Establish, support, and participate in a planned public relations program.
  9. Review the program and operation of the library and make policy decisions regarding its management.
  10. Attend regional, state, and national trustee meetings and workshops when practicable and affiliate with appropriate professional organizations.

#### Article 8. PUBLIC PARTICIPATION

The Library Board of Trustees acknowledges that public participation at Board meetings provides necessary input on various matters of concern to the public and contributes to the effective operation of the library. Members of the public are encouraged to participate at Board meetings in accordance with this Policy. The Library Board of Trustees hereby states its intention to comply with the laws of Illinois concerning provisions for public comments at open meetings.

1. Public participation shall be permitted at any regular or special meeting of the Library Board of Trustees or any committee thereof which is required to be open to the public under the provisions of the Illinois Open Meetings Act (Illinois Rev. Statutes, 5 ILCS 120 et. seq.). The Board shall not, however, permit public participation during any meetings or portions of meetings that are deemed closed sessions under the Open Meetings Act.
2. A portion of each meeting required to be open to the public shall be reserved and set aside for purposes of public comment and participation. In addition to that portion of the meeting set aside for public participation, the President of this Board, in his discretion, may permit public comment at any other time during the meeting. The President's allowance of public comments at other times during the meeting shall be discretionary and non-precedential in character.
3. The Board shall permit any member of the public, including non-residents and employees of the library, to comment to or ask questions of the Board during that portion of the meeting designated for public participation. The Board has no obligation, however, to respond to any comments or answer any questions raised by members of the public.

4. Members of the public shall be permitted to comment on any subjects or issues of public concern, If the subject falls within the statutory exceptions to the Open Meetings Act, however, the Board reserves the right to immediately adjourn the meeting to closed session to discuss such matters.
5. Members of the public shall be permitted to make comments or ask questions of the board at each meeting, subject to the following time limitations:
  - a. 3 minutes per speaker
  - b. 15 minutes per meeting

The president of the Board, upon the request of any member of the public seeking to make comments to or ask questions, may reasonably extend either or both of the foregoing time limitations. Any such extension of the time limitations shall be discretionary and non-precedential in character.

In his or her discretion, the President may recognize such persons in any sequence or order.

If a substantial number of members of the public desire to comment at any meeting, the President of the Board, in his discretion, may appoint members of the public to act as representatives or spokespersons for purposes of making public comments.

#### Article 9. AMENDMENTS

These bylaws may be amended or repealed at any regular meeting of the Board by a two-thirds vote of the entire Board, provided the amendment was stated in the call for the meeting. Bylaws in their entirety will be reviewed every 3 years by the President and at least one additional Trustee and amended as needed.

#### Article 10. PRIOR BYLAWS

All prior bylaws are hereby repealed.

As adopted December 16, 1966 and subsequently amended November 15, 1974, August 21, 1980, August 15, 1985, January 21, 1988, November 17, 1988, July 24, 1995, May 28, 1998, May 23, 2002, September 18, 2008, December 17, 2009, January 17, 2013, September 17, 2015, November 16, 2017, June 27, 2019, and June 18, 2020.



# DECATUR PUBLIC LIBRARY

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## Library Records Confidentiality Policy

The Decatur Public Library seeks to protect the privacy of its patrons while responding to legitimate law enforcement and national security concerns.

In compliance with federal and state law, the library will preserve the confidentiality of information sought or received, Internet usage and materials consulted, borrowed, or acquired, by library users. These materials may include database search records, circulation records, interlibrary loan records and other personally identifiable uses of library materials, facilities, programs or services, such as reference interviews.

### **75 ILCS 70/) Library Records Confidentiality Act.**

(75 ILCS 70/1) (from Ch. 81, par. 1201)

Sec. 1. (a) The registration and circulation records of a library are confidential information. No person shall publish or make any information contained in such records available to the public unless:

(1) required to do so under a court order; or

(2) the information is requested by a sworn law

enforcement officer who represents that it is impractical to secure a court order as a result of an emergency where the law enforcement officer has probable cause to believe that there is an imminent danger of physical harm. The information requested must be limited to identifying a suspect, witness, or victim of a crime. The information requested without a court order may not include the disclosure of registration or circulation records that would indicate materials borrowed, resources reviewed, or services used at the library. If requested to do so by the library, the requesting law enforcement officer must sign a form acknowledging the receipt of the information. A library providing the information may seek subsequent judicial review to assess compliance with this Section.

This subsection shall not alter any right to challenge

the use or dissemination of patron information that is otherwise permitted by law.

(b) This Section does not prevent a library from publishing or making available to the public reasonable statistical reports regarding library registration and book circulation where those reports are presented so that no individual is identified therein.

(b-5) Nothing in this Section shall be construed as a privacy violation or a breach of confidentiality if a library provides information to a law enforcement officer under item (2) of subsection (a).

(c) For the purpose of this Section, (i) "library" means any public library or library of an educational, historical or eleemosynary institution, organization or society; (ii) "registration records" includes any information a library requires a person to provide in order for that person to become eligible to borrow books and other materials and (iii) "circulation records" includes all information identifying the individual borrowing particular books or materials.

(Source: P.A. 95-40, eff. 1-1-08.)

Adopted by the Board of Trustees August 21, 2014  
Reviewed May 17, 2018

**DECATUR PUBLIC LIBRARY  
POLICY AGAINST  
SEXUAL HARASSMENT AND RETALIATION**

The Decatur Public Library (the “Library”) 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 the Library and, in some cases, an individual to substantial civil penalties.

The Library's policy on sexual harassment is part of its overall affirmative action efforts pursuant to federal and state 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 Title VII of the Civil Rights Act of 1964 and the Illinois Human Rights Act.

Each employee of the Library must refrain from sexual harassment in the workplace. No employee, whether 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 and managers 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 the Library, 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.

**1. DEFINITION OF SEXUAL HARASSMENT**

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

- A. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- B. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- C. 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 U.S. Civil Rights Act of 1964, as amended in 1991.

One example of sexual harassment is a case where a qualified individual is denied employment opportunities and benefits after rejecting the supervisor's sexual advances or request(s) for sexual favors or the individual is terminated. Another example is when an individual is subjected to unwelcome sexual conduct by co-workers because of his or her gender which makes it difficult for the employee to perform his or her job. Other conduct which may constitute 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 of 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, viewing pornographic material or websites.

**Physical:** Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act, or actual assault.

**Textual/Electronic:** "Sexting" (electronically sending messages with sexual content, including pictures and video), the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

While the most commonly recognized forms of sexual harassment involve the types of conduct described above, non-sexual conduct can also constitute a violation of the applicable laws when that conduct is directed at the victim because of his or her gender (for example, a female employee who reports to work every day and finds her tools stolen, her work station filled with trash and her equipment disabled by her male co-workers because they resent having to work with a woman).

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 courts will assess sexual harassment by a standard of what would offend a "reasonable person."

For this reason, every manager, supervisor and employee must remember that seemingly "harmless" and subtle actions may lead to sexual harassment complaints. The use of terms such as "honey", "darling" and "sweetheart" is objectionable to many people who believe that these terms undermine their authority and their ability to deal with others on an equal and professional level. And while use of these terms by an individual with authority over an employee will rarely constitute an adverse employment action, it may lead to the creation of a hostile work environment.

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 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.

Sexual harassment is unacceptable misconduct which affects both genders. Sexual harassment will often involve a man's conduct directed at a woman. However, it can also involve a woman harassing a man or harassment between members of the same gender.

## **2. 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 liable for his or her individual conduct. The harassing employee will be subject to disciplinary action up to and including

discharge in accordance with Library policy or any applicable collective bargaining agreement, as appropriate.

### **3. RESPONSIBILITY OF SUPERVISORY PERSONNEL**

Each supervisor is responsible for maintaining the workplace 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. It must be remembered that supervisors are the first line of defense against sexual harassment. By setting the right example, a supervisor may discourage his or her employees from acting inappropriately. In addition, supervisors will often be the first to spot objectionable conduct or the first to receive a complaint about conduct which he or she did not observe.

The courts and the Illinois Human Rights Commission 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 among employees, or on the supervisor, acting as an agent of the organization. It should be noted that recent United States Supreme Court cases involving sexual harassment claims against supervisors have made the employer's liability for supervisors' actions even stricter. Therefore, supervisors must understand that their adherence to this policy is vitally important; both with regard to their responsibility to maintain a work environment free of harassment and, more importantly, with regard to their own individual conduct. The law continues to require employers to remain vigilant and effectively remedy sexually harassing conduct perpetrated by individual(s) on their coworkers. Supervisors must act quickly and responsibly not only to minimize their own liability but also that of the Library.

Specifically, a supervisor must address an observed incident of sexual harassment or a complaint with equal seriousness, report it, take prompt action to investigate it, implement appropriate disciplinary action, take all necessary steps to eliminate the harassment, 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.

Also, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.

Furthermore, managers/supervisors should regularly remind employees that their incoming and outgoing electronic messages on employer owned/issued equipment are subject to monitoring and that employees have no expectation of privacy on employer owned/issued electronic equipment. Inform employees that they should contact their supervisor or the City Librarian immediately if they are subjected to inappropriate electronic communications while at work, on employer-owned equipment, or even on their personal cell phones and computers. Investigate complaints on a case-by case basis and remind employees of the Library's code of conduct and ethics rules if applicable.

#### 4. PROCEDURES FOR 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 offending employee, her/his supervisor and, if necessary, the City Librarian using the contact information below. It is not necessary for sexual harassment to be directed at the person making a complaint.

When submitting complaints of sexual harassment, Employees are encouraged to include any documents or records relating to each incident (what was said or done, the date, the time, and the place). Documentation may include, but is not limited to, written records such as letters, notes, and memos, video and audio recordings, and telephone messages.

All persons submitting complaints of sexual harassment have the option of submitting a confidential or anonymous complaint. All charges, including anonymous complaints, will be accepted and investigated regardless of how the matter comes to the attention of the Library. However, because of the serious implications of sexual harassment charges and the difficulties associated with their investigation and the questions of credibility involved, the complainant's willing cooperation is a vital component of an effective inquiry and an appropriate outcome.

Retaliation against any person(s) making a complaint is prohibited. 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. Protections available to persons making a complaint include whistleblower protections under the State Officials and Employee Ethics Act, the Whistleblower Act, and the Illinois Human Rights Act.

Proper responses to conduct which is believed to be sexual harassment may include the following:

**A. Electronic/Direct Communication.** If there is sexual 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.

**B. 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 their immediate supervisor. If the harasser is the immediate supervisor, the problem should be reported to the City Librarian at:

City Librarian  
Decatur Public Library  
130 N. Franklin St.  
Decatur, IL 62523  
P:217.421.9713

If the harasser is the City Librarian, the problem should be reported to the Assistant City Librarian or any member of the Library Board of Trustees.

**C. Formal Written Complaint.** An employee desiring to make a formal written complaint should also report incidents of sexual harassment directly to their immediate supervisor. If the harasser is the immediate supervisor, the problem should be reported to the City Librarian at:



City Librarian  
Decatur Public Library  
130 N. Franklin St.  
Decatur, IL 62523

If the harasser is the City Librarian, the problem should be reported to the Assistant City Librarian or any member of the Library Board of Trustees. The employee's immediate supervisor, the City Librarian or Assistant City Librarian, or a member of the Library Board of Trustees will counsel the reporting employee and be available to assist with filing a formal complaint. The Library will fully investigate the complaint and advise the complainant and the alleged harasser of the results of the investigation.

**D. Resolution Outside Organization.** The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) about 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. In addition, an appeal process is available through the Illinois Human Rights Commission, (IHRC) after IDHR has completed its investigation of the complaint. Contact information for these organizations is provided in the Administrative Contacts section below. Where the employing entity has an effective sexual harassment policy in place and the complaining employee fails to take advantage of that policy and allow the employer an opportunity to address the problem, such an employee may, in certain cases, lose the right to further pursue the claim against the employer.

## 5. ADMINISTRATIVE CONTACTS

### Illinois Department of Human Rights (IDHR):

Chicago: 312-814-6200 or 800-662-3942

Chicago TTY: 866-740-3953

Springfield: 217-785-5100

Springfield TTY: 866-740-3953

Marion: 618-993-7463

Marion TTY: 866-740-3953

### Illinois Human Rights Commission (IHRC):

Chicago: 312-814-6269

Chicago TTY: 312-814-4760

Springfield: 217-785-4350

Springfield TTY: 217-557-1500

### United States Equal Employment Opportunity Commission (EEOC):

Chicago: 800-669-4000

Chicago TTY: 800-869-8001

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. Such retaliation charges must be filed 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, such as assault or battery.

## **6. 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.

APPROVED by Decatur Public Library Board of Trustees

December 21, 2017

CITY OF DECATUR  
ADMINISTRATIVE POLICY & PROCEDURE MANUAL

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**Subject:** WORKPLACE DISCRIMINATION, HARASSMENT, VIOLENCE AND RETALIATION

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**Effective Date** August 1, 2006

**Revision 0**

Page 1 of 4

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**1.0 POLICY STATEMENT:** The City of Decatur strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the workplace should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees are expected to conduct themselves in an appropriate manner, as judged by a reasonable person. Employees should be able to work and learn in a safe and stimulating atmosphere. The accomplishment of this goal is essential to the mission of the City of Decatur. For that reason, the City will not tolerate unlawful discrimination or harassment, violence or retaliation of any kind. Through enforcement of this policy and by education of employees, the City of Decatur will seek to prevent, correct and discipline behavior that violates this policy. All employees, regardless of their position, are covered by and are expected *to comply with this* policy, and *to take appropriate measures to ensure that* prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy, or any of its provisions. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment.

**2.0 PROCEDURES:** Behaviors prohibited by this policy include unlawful discrimination, harassment, sexual harassment, workplace violence, and retaliation.

**2.1 Unlawful Discrimination.** It is unlawful and a violation of this policy to discriminate in City employment, benefits, working conditions, or evaluative standards if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, age, religion, disability status, gender, sexual orientation, ancestry, marital status or unfavorable military discharge. It is the policy of the City to ensure all employees of the City of Decatur receive fair and impartial access to State and Federal organizations if they feel an act of unlawful discrimination has been committed against them in the course of work by the City. As a matter of policy, parties involved in the alleged discrimination will be encouraged to settle their differences, to the mutual satisfaction of all *at any step in the process, and .as soon as practicable.* Employees *wishing to* file a discrimination complaint "against the City may contact the Human Relations Specialist for guidance to the proper organizations to contact. City Code Chapter 28, Unlawful Discrimination, precludes employees of the City of Decatur from filing unlawful discrimination claims with the City of Decatur Human Relations Commission. The Human Relations Specialist may attempt to mediate the parties to a mutual agreement through a mediation process only *if the differing parties agree to the mediation process.*

**2.2 Sexual Harassment.** Harassment on the basis of sex is a violation of Section 703 of Title VII of the U. S. Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual

harassment when (1) submission to such conduct is made either explicitly or implicitly 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include sexual propositions, innuendo, suggestive comments, sexually oriented jokes or teasing, or unwelcome physical contact such as patting, pinching, or brushing against another.

Employees should promptly report incidents of sexual harassment in the workplace to the employee's supervisor and the City's EEO Officer (Human Resources Manager) at 424-2805. The EEO Officer, or his/her designee, will conduct thorough, prompt, and confidential investigations of the allegations. In case's of incidents of sexual harassment by an employee's supervisor, reports should be made to the offending supervisor's supervisor and to the City's EEO Officer.

Sexual harassment is considered a form of sex discrimination. If relief is not obtained through informal means, employees may also file discrimination complaints on such matters with state, and/or federal civil rights agencies. Procedures for filing such complaints are explained in section 2.1 of this Policy. Annually, the City Manager will issue a letter to all employees reiterating the City's "zero tolerance" policy regarding sexual harassment. Training on this policy will be provided to all new employees by the Human Resources Division. The City's Training Officer will assist with these tasks by coordinating new employee orientations and periodic refresher training on the subject. Such refresher training should be made available on a three (3) year cycle, and at any time material changes are made to this policy. The City Manager shall have final authority regarding disciplinary action for sexual harassment and/or retaliation.

**2.3 Harassment.** Harassment on the basis of any other protected characteristic is also prohibited. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law, and that: (1) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that is placed on the employer's premises or circulated in the workplace (including through e-mail) which denigrates or shows hostility or aversion toward an individual or group.

The City encourages individuals who believe they are being subjected to such conduct to advise the offender that the behavior is unwelcome and to request that it stop. Often, this action alone will resolve the problem, but the City recognizes that individuals may prefer to pursue the matter through complaint procedures.

Such harassment is considered a form of unlawful discrimination. If relief is not obtained through informal means, employees may file discrimination complaints on such matters

with state, and/or federal civil rights agencies. Procedures for filing such complaints are explained in section 2.1 of this Policy.

**2.4 Workplace Violence.** Workplace violence includes assault, criminal damage to property, disorderly conduct, harassment, larceny, menacing behavior, reckless endangerment, robbery and sex offenses (including lewdness, sex abuse, sodomy and rape) on the job.

To minimize workplace violence, the City's corporate safety committee will assess employee and public vulnerability to workplace violence at all City locations, audit workplace violence prevention efforts, oversee employee training programs in violence prevention, regularly review reports of incidents of violence in the workplace to recommend changes to correct hazards, communicate with similar local governments concerning experiences with workplace violence, work with supervisors to determine the presence of hazards, conditions, operations and other situations which might place workers at risk of occupational assault incidents, and survey employees to identify the potential for violent incidents and to identify the need for improved security measures.

Human Resources will provide training for all employees on identifying and reporting workplace violence incidents, recognizing signs of potential violence, reviewing measures instituted to prevent workplace violence, and describing post-incident medical follow-up, counseling, and reporting procedures. Employees should report signs of potential violence to supervisors immediately.

The City of Decatur encourages employees to bring their differences with other employees to the attention of their supervisors or the Human Resources Division before such situations escalate into potential violence. The City of Decatur is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

Victims of incidents and threats of workplace violence should report them to their supervisors immediately, and then on the City's "Incident Report Form". Supervisors will promptly investigate allegations of workplace violence, per the City's policy on workplace investigations, and will ensure copies of incident reports are forwarded on all incidents to Human Resources. In cases of incidents committed by an employee's supervisor, reports should be made directly to the offending supervisor's supervisor and to the City's Human Resources Manager. Human Resources will forward copies of final investigation reports to the Risk Manager for the Corporate Safety Committee's review, as described above.

Threats, threatening conduct or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, including reprimand, suspension and/or discharge. Non-employees engaged in violent acts on the city's premises or directed toward a City of Decatur employee conducting city business will be reported to the proper authorities and fully prosecuted.

Supervisors will refer perpetrators of incidents and threats of workplace violence to the City's employee assistance program (EAP), and will determine appropriate follow up and disciplinary action. Employees will not be permitted to return to the workplace until such time as the EAP professional indicates in writing that the employee is complying with EAP recommendations, and is fit to return to duty. Such referrals shall be considered

"directed referrals". Employees failing to cooperate with directed referrals will be considered "absent without leave", and will be subject to possible disciplinary action, up to and including reprimand, suspension and/or discharge.

Human Resources will maintain an accurate record of all workplace violence incidents. Any on-duty injury that requires more than first aid, that is a loss-time injury, that requires modified duty, or that causes loss of consciousness will be recorded on the OSHA 200 log, and should be reported on the City's standard job injury reporting forms, per administrative policy F-532. Doctors' reports and supervisors' reports of each incident will be kept with workers compensation files. Incidents of abuse, verbal attack, or aggressive behavior which may be threatening to the employee, but not resulting in injury, will also be recorded.

**2.5 Retaliation.** Retaliation includes overt or covert acts of reprisal, interference, restraint, penalty, discrimination, intimidation and/or harassment against an individual or group . exercising proper rights in regard to discrimination, harassment and/or workplace violence. It is a violation of this policy to act in retaliation to an individual for 1) filing a charge of discrimination, harassment, workplace violence or retaliation, 2) participating in an investigation or opposing discriminatory, harassing, violent practices or retaliation, or 3) being the target of discrimination, harassment, workplace violence and/or retaliation.

**2.6 False Reporting.** The filing of false, malicious, frivolous and/or groundless reports and/or complaints of discrimination, sexual harassment, workplace violence and/or retaliation is an abuse of this policy, is prohibited.

**3.0 RESPONSIBILITY:** It is the responsibility of each department director to ensure that all supervisory personnel are aware at all times of this policy. It is the responsibility of all supervisors to ensure that all of their employees are aware of this policy and of the confidential means available to them for reporting incidents.

Training on this policy will be provided to all new employees by the Human Resources Division. The City's Training Officer will assist with these tasks by coordinating new employee orientations and periodic refresher training on the subject. Such refresher training should be made available on a three (3) year cycle, and at any time material changes are made to this policy.

It is the responsibility of the Human Resources Manager to effect investigations of informal allegations of incidents. Such investigations may be assigned to the Human Relations Specialist or direct supervisor, per terms of the city policy on employee investigations. The Human Resources Manager shall keep the City Manager informed of the progress of such investigations.

Appropriate disciplinary action will be taken against any employee who violates this policy, or • any of its provisions. Based upon the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, or termination of employment. The City Manager shall have final authority on disciplinary action for policy violations.

**City of Decatur  
Workplace Incident Report Form  
Victim's Report**

1.	Victim's Name:	2.	Job Title:
3.	Address:	4.	City: ST Zip:
5.	Home Phone:	6.	Work Phone:
7.	Work Location:	8.	Work Address:
9.	Department:	10.	Division:
11.	Incident Date:	12.	Incident Time:
13.	Incident Location:		
14.	Type of Incident: (See definitions on reverse side) (Check one): <input type="checkbox"/> Assault <input type="checkbox"/> Criminal Damage to Property <input type="checkbox"/> Disorderly Conduct <input type="checkbox"/> Harassment <input type="checkbox"/> Larceny <input type="checkbox"/> Menacing <input type="checkbox"/> Reckless Endangerment <input type="checkbox"/> Robbery <input type="checkbox"/> Sex Offense <input type="checkbox"/> Sexual Harassment <input type="checkbox"/> Discrimination <input type="checkbox"/> Other (Please Specify)		
15.	Injuries to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No	16.	Treatment Location:
17.	Describe injuries:		
18.	Did police respond to incident? <input type="checkbox"/> Yes <input type="checkbox"/> No	19.	Police Agency:
20.	Police report filed? <input type="checkbox"/> Yes <input type="checkbox"/> No	21.	Police Report #
22.	Was supervisor notified? <input type="checkbox"/> Yes <input type="checkbox"/> No	23.	Supervisor's Name:
24.	Union/employee rep notified? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A	25.	Representative's Name:
26.	Alleged Assailant/Perpetrator (check one): <input type="checkbox"/> Intruder <input type="checkbox"/> Citizen <input type="checkbox"/> Customer <input type="checkbox"/> Visitor <input type="checkbox"/> Co-Worker, <input type="checkbox"/> Former Employee <input type="checkbox"/> Supervisor <input type="checkbox"/> Relative <input type="checkbox"/> Friend/Acquaintance <input type="checkbox"/> Arrestee/Detainee <input type="checkbox"/> Other (Please specify):		
27.	Alleged Perpetrator's Name:	28.	Alleged Perpetrator's Age (if known):
29.	Address (if known):	30.	City: ST Zip
31.	Brief Description of the Incident:		
32.	Did incident involve a weapon? <input type="checkbox"/> Yes <input type="checkbox"/> No Description of weapon:		
33.	Was inappropriate action/violence directed only at one victim? <input type="checkbox"/> Yes <input type="checkbox"/> No		
34.	Was victim alone when the incident occurred? <input type="checkbox"/> Yes <input type="checkbox"/> No List other victims/witnesses:		
35.	Did victim have any reason to believe that an incident might occur? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, why?		
36.	What can be done to prevent a future similar incident?		
37.	<b>The victim's confidentiality will be protected as much as practical and this information will be shared on a need to know basis only.</b>		
38.	Victim's Signature:	39.	Date:
40.	Signature of person preparing this form (if different than victim):		

**Definitions of Incidents:**

1. **ASSAULT:** The intentional use of physical injury (impairment of physical conditions or substantial pain) to another person, with or without a weapon or dangerous instrument.
2. **CRIMINAL DAMAGE TO PROPERTY:** Intentional or reckless damage to the property of another person without permission.
3. **DISORDERLY CONDUCT:** Intentionally causing public inconvenience, annoyance or alarm or recklessly creating a risk thereof by fighting (without injury) or in violent or threatening behavior, or making unreasonable noise, shouting abuse, misbehaving, disturbing an assembly or meeting of persons, or creating hazardous conditions by an act which serves no legitimate purpose.
4. **HARASSMENT:** any unwelcome verbal, written or physical conduct that either denigrates or shows hostility or aversion towards a person that:
  - a. Has the purpose or effect of creating an intimidating, hostile or offensive work environment.
  - b. Has the purpose or effect of unreasonably interfering with an employee's work performance.
  - c. Affects an employee's employment opportunities or compensation.
  - d. May include: intentionally striking, shoving or kicking another or subjecting another person to physical contact, or threatening to do the same (without physical injury). Also, using abusive or obscene language or following a person in or about a public place, or engaging in a course of conduct which alarms or seriously annoys another person.
5. **SEXUAL HARASSMENT:** Any unwelcome sexual advance, request for sexual favors, or verbal, written or physical conduct of a sexual nature by a manager, supervisor, co-worker or third party.
6. **DISCRIMINATION:** Occurs whenever an employment decision for a member of any of the protected classes, is based on the employee's membership in that class rather than on the employee's job performance. Discriminatory practices can also include:
  - a. Harassment-see above.
  - b. Retaliation-against an individual for filing a charge of discrimination, participating in an investigation or opposing discriminatory practices.
7. **LARCENY:** Wrongfully taking, depriving or withholding property from another (no force involved). Victim may or may not be present.
8. **MENACING:** Intentionally placing or attempting to place another person in fear of imminent serious physical injury.
9. **RECKLESS ENDANGERMENT:** Subjecting individuals to danger by recklessly engaging in conduct which creates substantial risk of serious physical injury.
10. **ROBBERY:** Forcible stealing of another's property by use of threat of immediate physical force. (Victim is present and aware of theft.)
11. **SEX OFFENSE:**
  - a. Public Lewdness: Exposure of sexual organs to others.
  - b. Sexual Abuse: Subjecting another to sexual contact without consent.
  - c. Sodomy: A deviant sexual act committed as in rape.
  - d. Rape: Sexual intercourse without consent.



CITY OF DECATUR  
ADMINISTRATIVE POLICY & PROCEDURE MANUAL

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**Subject:** RELATIONSHIPS BETWEEN EMPLOYEES

**Number** F - 150

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**Effective Date** January 1, 2007

**Revision** 0

Page 1 of 1

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**1.0 POLICY STATEMENT:** Public trust, safety and City morale require that employees avoid relationships which may negatively impact the efficient operation of the City. In order to promote the efficient operation of the City, and to avoid the formation of cliques and factions, claims of sexual harassment or gender-based discrimination, and the blurring of professional and personal responsibilities and relationships in the workplace, it shall be the policy of the City of Decatur that any romantic and/or sexual relationship or dating' between a management or other supervisory employee and his or her staff (an employee who reports directly or indirectly to that person) is prohibited. If there is such a relationship, the parties need to be aware that actions may be taken by the City to modify the situation.

**2.0 DEFINITION:** A 'romantic and/or sexual relationship' is defined as existing when two City employees become personally involved with each other to the point that there is dating, exchange of personal affection, emotional attachment, any form of sexual or physical intimacy and/or cohabitation. Marriage between employees is also assumed to include a 'romantic and/or sexual relationship'.

**3.0 PROCEDURES:** If any City of Decatur employee enters into a consensual relationship which is romantic or sexual in nature with a member of his or her staff (an employee who reports directly or indirectly to him or her), or if one of the parties is in a supervisory capacity in the same department in which the other party works, the parties must notify their supervisor and department director, because of the potential issues regarding "quid pro quo" sexual harassment. This requirement does not apply to employees who do not work in the same department, or to parties who are not in supervisor/subordinate positions.

Once the relationship is made known to the department director, he/she will review the situation with the Human Resources Manager in light of all the facts (e.g., the reporting relationship between the parties, the effect on co-workers, the job titles of the parties, etc.), to determine what action needs to be taken.

As in all cases, the burden of proving sexual harassment rests with the accuser.

**4.0 RESPONSIBILITY:** It is the responsibility of each department director to ensure that all supervisory personnel are aware at all times of this policy. It is the responsibility of all supervisors to ensure that all of their employees are aware of and in compliance with this policy:

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