

LAKE FOREST LIBRARY BOARD OF TRUSTEES
360 East Deerpath Road, Lake Forest, IL 60045
January 9, 2018
7:30 p.m. Reed Room – Main Floor

Regular Monthly Meeting Board Packet

1. January 9, 2018 Agenda
2. December 12, 2017 General Meeting Minutes
3. Amendments to the By-Laws
4. Public Comment at Board Meetings Policy
5. Anti-Harassment Policy

Lake Forest Library Board of Trustees
360 East Deerpath Road, Lake Forest, IL 60045
Regular Meeting Minutes
7:30 pm, December 12, 2017

1. CALL TO ORDER

The meeting was called to order at 7:30 p.m.

2. ROLL CALL

Present Board members: Wendy Darling, Secretary, Elizabeth Grob, Andrea Lemke, Ron Levitsky, Vice President, Todd Puch, President, David Rose, and Carrie Travers, Treasurer.

Absent: Germaine Arnson and Beth Parsons.

Staff: Library Director Catherine Lemmer and Administrative Assistant Judy Grasmick.

3. ADDITIONS TO THE AGENDA

No additions to the agenda.

4. APPROVAL OF THE AGENDA

Trustee Rose made a motion, seconded by Trustee Levitsky, to approve the agenda. Motion unanimously carried.

5. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD, and CORRESPONDENCE

No request to address the Board. A written summary of public correspondence received in November was distributed.

6. APPROVAL OF MINUTES

Trustee Levitsky made a motion, seconded by Trustee Lemke, to approve the following meeting minutes. Motion unanimously carried.

November 14, 2017 Regular Board Meeting

7. MONTHLY FINANCIAL REPORT

The Board discussed the November 2017 financial report. Ms. Lemmer stated that the transfer to the capital improvements reserve fund will happen in December, so it is not reflected in the November financials. Fine/fee income continues to drop, but is currently being offset by an increase in impact fees and investment income. A \$2,000 gift was received from the Dick Family Foundation and will be used for the spring book club workshop. The gift was in response to a \$12,000 grant request. Trustee Levitsky asked about the credits showing in the adult and juvenile programming accounts. Ms. Lemmer replied that Friends programming gifts were received after the adoption of the FY18 budget so the deposits increased the value of the accounts over the initial budgeted amount. In FY19 the Friends gifts will be accounted for in the budget process in a more transparent manner.

Trustee Darling made a motion, seconded by Trustee Travers, to approve the November 2017 financial report. Motion unanimously carried with a roll call vote.

8. LIBRARY DIRECTOR REPORT

An article titled *From the Medici to Middle America: The Evolution of Patronage* from the December 2017 issue of *ILA Reporter* was distributed.

An article from the February 20, 1997 issue of the *Lake Forester*, titled *Over six decades of grime cleaned from library murals*, was distributed.

An article titled *The four questions to ask when serving on a nonprofit board* from the December 2017 issue of *McKinsey Quarterly* was distributed.

In speaking with other library directors about levies, budgets, etc., Ms. Lemmer received a recommendation for an accountant that works with libraries. That firm, Zabinski Consulting Services, Inc., could work with the library to navigate the levy process with the City. Ms. Lemmer suggested inviting Kelly Zabinski to do a presentation for the board at a meeting in January or February on the levy process so the Board better understands its role in the process. Ms. Zabinski's consulting fee is \$75.00 per hour. Ms. Lemmer will contact her to see if she is available to do a presentation in January or February.

The City is increasing its levy above the 2.1% it recommended to the library. Ms. Lemmer stated a public meeting on the library levy is not required unless the levy is above 5%. One TIF district will be closing next year and the library needs to make a request to access those funds. Trustee Rose asked about the proposed property tax freeze and its potential impact. Ms. Lemmer stated that Lake Forest is a home rule municipality and although not subject to the tax freeze, it is anticipated that the City Council will implement any state approved tax freeze.

Ms. Lemmer reached out by letter to two law firms for information about their library experience and fees: Victor Filippini and Roger Ritzman. Victor Filippini did not respond. Roger Ritzman of Peregrine, Stine, Newman, Ritzman & Bruckner, Ltd. responded and had a lengthy conversation with Ms. Lemmer. Mr. Ritzman works with Evanston Public Library, Cary Public Library, and other North Shore libraries. He provided good advice on the phone and knows library law. His fee is \$210.00 per hour and he bills quarterly. Ms. Lemmer asked if the board would like Mr. Ritzman to do a presentation. Trustee Rose stated that if Mr. Ritzman is well recommended and Ms. Lemmer approves, he didn't see a need for a meeting. Trustee Lemke asked if Mr. Ritzman could give the board an overview on what they could expect down the road. Trustee Darling replied that the board should weigh what that would cost against what we would learn. Ms. Lemmer will discuss a possible meet and greet with Mr. Ritzman.

Senate Bill 402, as enrolled as Public Act 100-0554, requires every governmental unit to adopt either an ordinance or resolution establishing a policy to prohibit sexual harassment by January 15, 2018. At the January meeting, the board will review the Employee Manual and add a formal anti-sexual harassment policy. Ms. Lemmer recommends that over the course of 2018 the entire employee manual be reviewed and updated as necessary.

The Request for Qualifications for Architectural Services resulted in ten site visits so far. Ms. Lemmer expects that there will be at least twelve submissions. Felicia Song, assistant director, participated in all the on-site visits as well. We learned a great deal during the visits. Ms. Lemmer asked the board to consider how many firms they would like to interview and who they would like to attend the interviews.

A copy of a proposed Addendum 2 for Request for Qualifications for Architectural Services for Lake Forest Library was discussed. Some questions arose later in the process and are addressed in the proposed addendum. The addendum will be posted on the library website so that information is available

to anyone considering making a submission. Trustee Travers asked about the difference between a RFP (request for proposal) and a RFQ (request for qualifications). Ms. Lemmer replied that with a RFP, you are requesting costs for a specific project and the cost is usually the main focus and with a RFQ you choose by expertise and

project fit. A RFP was not the best course of action for the library because we have multiple issues and the Library is looking for advice on identifying and prioritizing projects. The RFQ allows the board to rank the submissions based on qualifications. The board will then engage in negotiations with the top ranked firm. If an agreement cannot be reached, the board will move on to the second highest ranked firm and so on.

Selected firms will do a 30-minute presentation followed by a 30-minute period for questions. Ms. Lemmer will send trustees an email with proposed meeting dates and times so everyone can block out the times. Trustee Levitsky asked if the meetings need to be open to the public. Ms. Lemmer will check on meeting requirements. Trustee Levitsky then inquired about setting guidelines for areas of importance such as space usage, accessibility, etc. Ms. Lemmer stated that this is what we hope to accomplish with the RFQ and that all the firms were given a copy of the community survey and the strategic plan. Trustee Rose asked if Ms. Lemmer would revisit and pull together the priorities that came out of the community survey as a starting point for the board.

9. DISCUSSION AND APPROVAL OF THE FY2018 PER CAPITA GRANT APPLICATION

The Per Capita Grant application was discussed. The library is still waiting to receive last year's payment. This year the grant focus is on safety. The library is wrapping up a Security Guidelines and Procedures manual. The safety standards checklist from chapter 12 of *Serving Our Public 3.0: Standards for Illinois Public Libraries*, was reviewed at the December 11th library management meeting. The library meets all the standards with one exception; the library does not have an automated external defibrillator. Trustee Levitsky asked about the possibility of the library getting an automated external defibrillator and asked that Ms. Lemmer check on pricing and training requirements. At the December 14th all staff meeting the staff will view and discuss the video *Trends in Safety and Security in Libraries* by Steve Albrecht. The prior year's grant money was spent on electronic databases.

Trustee Levitsky asked about the trustee requirement concerning formal orientations and suggested looking into that process when bringing on new trustees. He also suggested a board review of the materials selection policy. Ms. Lemmer stated that a Board Policy Manual review is needed and should be added to the to-do list for 2018. Staff training in May will address dealing with challenging patrons. Trustee Grob asked if the police do library walk-throughs and if there are panic buttons at service desks. The library does not have panic buttons installed. Ms. Lemmer stated that in the past police walk-throughs have not been considered necessary as library maintenance staff also serve as security and respond to staff calls for assistance.

Trustee Levitsky moved to approve and file the FY2018 Per Capita Grant Application. Trustee Darling seconded. Motion carried.

10. UPDATE ON STRATEGIC PLAN INITIATIVES

The first quarterly update on progress made in implementing the strategic plan was distributed. Ms. Lemmer asked trustees to let her know if they have any questions after they review the quarterly update.

11. UNFINISHED BUSINESS

a. Discussion and Approval of Renaissance Roofing, Inc. dome wrap

The dome wrap could not be completed today due to ice formation. Renaissance Roofing hopes to continue the process on Monday, December 18. There is a cost increase due to the inclusion of the dome substructure. Trustee Lemke moved to accept the revised proposal from Renaissance Roofing, Inc. to cover the dome with a protective tarp for an amount of \$8,900.00 (the originally approved \$7,500.00 plus a \$1,400.00 increase). Trustee Rose seconded. Motion unanimously carried with a roll call vote.

12. NEW BUSINESS

The library has been named a 4-star library by *Library Journal* for the 6th year in a row. Ms. Lemmer asked trustees to make note of committee meetings scheduled for next month.

13. ADJOURNMENT

Trustee Darling made a motion, seconded by Trustee Travers, to adjourn the meeting at 8:47 p.m. Motion unanimously carried.

Upcoming meetings: **Regular Board** – January 9, 2017 at 7:30 p.m.

Finance Committee – January 9, 2017 at 6:45 p.m.

Services Committee – January 9, 2017 at 6:00 p.m.

Wendy Darling, Secretary

Minutes approved by the Board on January 9, 2017.

FY2019 Board Meeting Dates

The Board currently meets on the second Tuesday of the month. Depending on how the week falls, it is often time challenging to prepare the monthly statistics and financial report for the previous month in time to include the information in the mailed meeting packets.

The question: Would the Board consider moving to the third week starting in May 2019?

Agenda Item 11

Amendments to the By-laws

The by-laws were reviewed as part of the Per Capita Grant Application and were found to be in compliance with all requirements. However, the review did reveal some disorganization and out-of-date information.

The proposed revised and bylaws a red-line showing the changes are attached.

The following lists the significant changes. The most significant is the in-budget spending authorization in Article II, Section 4 and the Article IV, Section 6 Citizen Participation.

Article I: adds the name of the Library

Article II: Section 3: deletes requirement that a report be given to the City Council 60 days after the fiscal year end because the requirement no longer exists.

Article II, Section 4: added appointment of library director and lists the standard responsibilities. Note, there is a \$10,000 spending authorization which may be changed.

Article III, Section 2: states that the officers for serve a term of one year.

Article III, Section 3: provides for the removal of officer for missing three consecutive meetings.

Article IV, Section 2: added a general order of business

Article IV, Section 5: states that a majority is required to pass the action and states that President has the ability to vote, move, or second a proposal.

Article IV, Section 6: adds clarification regarding citizen participation. Given the upcoming activities, it is important that the Board have a structure in place. [Note although the "Meetings" article is new, it is primarily pieced together from parts that were in other sections of the by-laws.]

Article V: amended to reflect what is currently being done. Currently two authorized city employees sign Library checks. Checks over the amount of \$3,500 are also signed by the Library Director. The prior language required signatures from Board members, which was not being done and is somewhat impractical.

BY-LAWS OF THE LAKE FOREST LIBRARY
ARTICLE I: NAME

The name of the library shall be Lake Forest Library.

ARTICLE II: TRUSTEES

Section 1. General Powers

The Library shall be governed and regulated by the Board of Trustees in harmony with the spirit and intent of the Illinois statute in such case made and provided and the City of Lake Forest ordinances, and shall have such powers as are conferred by statute.

Section 2. Special Powers

The Board of Trustees may exclude from the use of the Library and reading room any and all persons who willfully violate the rules of the Library. The Board may extend the privileges and use of the Library and reading room to persons residing outside of Lake Forest upon such terms and conditions as it may from time to time prescribe.

Section 3. Duties

The finances, business affairs, and regulations of the Library shall be managed by the Board of Trustees of the Library.

Section 4. Appointment of Library Director

The Board of Trustees shall have the power to appoint a Library Director, who as the technical expert, shall:

- (a) have full responsibility for services, programs, material selection, personnel matters, and facilities management;
- (b) attend all Board meetings (including executive sessions unless specifically excluded) and make reports to the Board in such form and on such subjects as the Board may direct;
- (c) serve as an advisor to the Board on library matters;
- (d) authorize capital expenditures not to exceed \$10,000 for any one item;
- (e) be responsible for the Library's financial operation within the limits of the budgeted appropriations.

The Board of Trustees also shall have the power to remove appointees.

ARTICLE III: OFFICERS

Section 1. Designation.

The officers of the Lake Forest Library shall be President, a Vice-President, a Secretary, and a Treasurer, and such other officers as the Board of Trustees may from time to time deem necessary and elect.

Section 2. Tenure and Filling of Vacancies

The officers of Lake Forest Library shall be elected at the Annual Meeting of the Board of Trustees and serve a term of one year. All officers shall hold office until the next annual election or until their respective successors shall have been duly elected and qualified. Vacancies occurring between annual elections of officers may be filled by the Board of Trustees at any meeting of the Board.

Section 3. Removal

Any officer of the Lake Forest Library may be removed by the Board of Trustees whenever in the judgment of the Trustees the best interest of the Library will be served thereby. Officers may be subject to forfeiture of office if they miss more than three consecutive regularly scheduled meetings of the Board.

Section 4. President

The President shall be the principal executive officer of the Library. He or she shall preside at all meetings of the Board of Trustees. He or she shall sign all papers and documents to which his signature may be necessary or appropriate. In general, he or she shall perform all duties incident to the office of President and such other duties as may from time to time be prescribed by the Board of Trustees.

Section 5. Vice-President

In the absence of the President or in the event of his or her inability to act, the Vice-President shall perform the duties and shall have all the power of the President. In general, he or she shall perform all duties incident to the office of Vice-President, and such other duties as may from time to time be assigned to him or her by the President or be prescribed by the Board of Trustees.

Section 6. Secretary

The Secretary shall keep the minutes of all meetings of the Board of Trustees, shall be custodian of the Corporate records, shall sign all papers and documents to which his or her signature shall be necessary or appropriate. In general, he or she shall perform all duties incident to the office of Secretary and such other duties as may from time to time be assigned to him or her by the President or prescribed by the Board of Trustees.

Section 7. Treasurer

The Treasurer shall oversee the books of account for the Library, and shall in general perform all duties incident to the office of Treasurer and such other duties as may from time to time be assigned to him or her by the President or prescribed by the Board of Trustees. The Board shall annually employ a certified public accountant to perform an audit of the Library's records.

ARTICLE IV: MEETINGS

Section 1. Regular Meetings

Regular meetings of the Board of Trustees shall be held monthly at a time and place to be determined by the President or Vice-President and specified in the notice of the meeting. At the beginning of each fiscal year, the Board shall specify regular meeting dates and times for except that the Board of Trustees may determine different meeting dates when necessary. The first meeting date after July 1 of each year shall be the Annual Meeting of the Board of Trustees.

Section 2. Order of Business

The order of business for a regular meeting shall include, but not be limited to, the following items:

1. Call to Order/Roll Call
2. Approval of the agenda
3. Opportunity for Public Comment and Correspondence
4. Approve of the minutes of previous meeting
5. Financial Report
6. Library Director's Report

7. Committees
8. Unfinished Business
9. New Business
10. Adjournment

Section 3. Special Meetings

Special meetings may be called by the President, Vice-President, or any three members of the Board of Trustees.

Section 4. Notice of Meetings

The Secretary shall be responsible for seeing that written notice of all meetings is given to all members of the Board of Trustees not less than three days in advance of each regular meeting.

Section 5. Quorum and Manner of Acting

A majority of the Board of Trustees shall constitute a quorum at any meeting. An affirmative vote of the majority of the Board present at the time shall be necessary to approve any action before the Board. The President may vote upon, may move, or second a proposal before the Board.

Section 6: Citizen Participation

The Board shall provide a period not to exceed 15 minutes for citizen comment during each meeting. Prior to the beginning of the meeting, interested citizens should indicate their desire to speak by signing their name and address on the sign-up sheet available at the meeting. The President will allocate the 15-minute period equally among those persons. A person addressing the Board shall limit comments to items within the jurisdiction of the Library Board. The Board President shall be allowed to terminate the public comment for repetitive, irrelevant, or disruptive commentary.

The total time allotted for public comment may be extended by a vote of a majority of the Trustees present at the meeting.

ARTICLE V: FINANCES

The Board of Trustees shall have the exclusive control of the expenditures of all monies to the credit of the Library fund. Such fund may be drawn upon for any proper Library purposes by check. All checks shall bear the facsimile signature of two authorized officers of the City of Lake Forest. The Library Director, or in the absence of the Library Director, the Assistant Director, shall also sign any check over \$3,500. A petty cash account shall be kept by the Library Director in an amount to be determined from time to time by the Board of Trustees.

ARTICLE VI: AMENDMENT OF BYLAWS

These Bylaws may be altered, amended or repealed and alterations, amendments of new Bylaws adopted, as the case may be, by the Board of Trustees at any regular Meeting of the Board or at any Special Meeting if the notice of such meeting shall indicate that alteration, amendment or repeal of these Bylaws may be submitted to such meeting.

(Adopted January 4, 1971 as amended June 9, 1979, September 10, 1979, January 19, 1981, July 15, 1985, November 19, 1985, January 16, 1990, November 20, 1990, March 13, 2007, August 13, 2013, October 14, 2014, January 9, 2018)

Review and Approval of a Public Comment at Board Meetings Policy

If the board prefers not to include a citizen participation provision in the by-laws. The agenda includes the alternative, adoption of a Public Comment at Board Meetings Policy.

A proposed policy is attached.

LAKE FOREST LIBRARY

PUBLIC COMMENT AT BOARD MEETINGS POLICY

The Illinois Open Meetings Act provides in Section 2.06 that at meetings of public bodies, “any person shall be permitted an opportunity to address public officials under the rules established and recorded by the public body.” 5 ILCS 120/2.06(g).

This policy provides the following rules and guidelines for public participation at its meetings.

Individuals attending board meetings must conduct themselves with respect and civility toward others. Abusive, profane, threatening, or harassing language and/or personal attacks will not be permitted. The Board President or presiding officer may prohibit further comment at the meeting by a speaker whose remarks violate this rule.

Public comments are permitted during the time designated on the library board agenda, unless otherwise directed by the Board President.

The Board President determines the order in which speakers will be recognized.

When recognized by the Board President, the speaker should begin by stating his or her name and address.

Public comments will ordinarily be limited to five (5) minutes per speaker. The Board President shall have discretion to modify this time limit, as well as to limit repetitive comments.

Board members are not obligated to respond to comments from the public. Issues requiring possible action by the board may be added to a future meeting agenda, and issues that can be addressed by library administration will be noted.

A copy of these guidelines will be placed next to the sign-in sheet made available to members of the public at the entrance to board meetings.

Petitions or written correspondence directed to the board shall be presented to the board by the Board President or secretary at the next regularly scheduled board meeting.

Minutes are a summary of the board’s discussion and actions. Speaker requests to append written statements or correspondence to the minutes are not favored. Generally, written materials presented to the board will be included in the library’s files rather than in the minutes. The Board President shall have the authority to determine procedural matters regarding public participation not otherwise defined in these guidelines.

Adopted by the Lake Forest Library Board of Trustees, _____

Review and Approval of the Anti-Harassment Policy

The State of Illinois has mandated that all municipal units adopt a sexual harassment policy. The Library already had in place “by association with the City” an anti-harassment policy that addresses sexual harassment.

At the meeting, the Board will officially adopt an Anti-Harassment Policy. The policy is the policy the Library has been relying on to date, with updating to meet the new state requirements.

The State of Illinois requires that a harassment policy be adopted by all government units by January 15, 2018. Adopting it at the meeting will bring the Library in compliance as it works to finalize the rest of the manual.

LAKE FOREST LIBRARY ANTI-HARASSMENT POLICY

It is the policy and practice of the Library to provide a professional working environment for its employees so that they may carry out their duties in productive and positive surroundings. A professional work environment includes, at a minimum, a workplace that is free of unlawful harassment. But the Library's policy goes further. Any conduct of a harassing nature that adversely affects the work environment is unacceptable, even if that conduct does not rise to the level of being unlawful.

Actions, words, jokes or comments based on an individual's race, color, religion, sex, sexual orientation, national origin, citizenship, ancestry, age, marital status, military status, veteran status, disability, genetic information or other legally protected characteristic will not be tolerated. Harassment of the Library's employees by non-employees, such as residents, public officials, suppliers and vendors, contractors and other third parties with whom our employees interact while performing their job duties, also is strictly prohibited.

Harassment does not include the reasonable statements and actions of supervisors and other managerial level employees intended to provide performance feed or corrective action, such as performance evaluations, deficiency notices, warnings, counselings, reprimands, performance improvement plans and other actions intended to promote desired work performance.

Scope

This policy applies to conduct in or connected to the workplace, whether it is physical or verbal, and whether public officials, managers, supervisors, fellow employees, or other non-employees (such as vendors, suppliers, business invitees, contractors or residents of the Library) commit it. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, discharge, leaves of absence, and access to benefits and training.

All employees are responsible for cooperating in any investigation of alleged harassment, and for participating in periodic training regarding this policy.

The Library is committed to vigorously enforcing its policy against harassment at all levels. All employees must conduct themselves in a way that ensures they do not engage in acts of harassment. All supervisors and managers are responsible for making sure that the employees who report to them are aware of this policy, ensuring that their personnel decisions comply with this policy, and taking corrective actions (after consultation with the Library Director) when inappropriate behavior occurs.

Forms of Harassment

Sexual Harassment

"Sexual harassment" means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature 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 substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is unlawful and prohibited regardless of whether it is between or among members of the same sex or opposite sexes.

The following *non-exclusive* list sets forth examples of the conduct that violate the Library's policy against sexual harassment:

- Physical assaults of a sexual nature, such as rape, sexual battery, molestation or other unwelcome physical contact (e.g., touching, pinching, patting, grabbing, unwelcome hugging or kissing, rubbing or brushing against another employee's body);
- Unwelcome sexual advances, propositions or other sexual comments, such as sexually-oriented gestures, sounds, remarks, jokes or comments about a person's sex, sexuality or sexual experiences;
- Preferential treatment or promises of preferential treatment to an employee for submitting to sexual conduct; or subjecting or threatening to subject an employee to more onerous terms or conditions of employment because of that employee's sex or rejection of sexual advances, propositions or comments; and
- Sexual or discriminatory displays or publications anywhere in the workplace, such as displays of pictures, posters, calendars, graffiti, objects, books or other materials that are sexually suggestive, demeaning or pornographic and viewing pornographic material or websites.
- Sexually explicit letters, memos, poems, instant messages, texts, e-mail or voice-mail messages.
- 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).
- Repeated requests for dates.

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."

Other Forms of Harassment

The Library prohibits slurs or other verbal or physical conduct, relating to an individual's race, color, religion, sex, sexual orientation, national origin, citizenship, ancestry, age, marital status, military status, veteran status, disability, genetic information or other legally protected characteristic when

1. such conduct may have the purpose or effect of unreasonably interfering with an individual's work performance; or
2. such conduct may have the purpose or effect of creating an intimidating, hostile, or offensive working environment.

Reporting and Investigating Alleged Harassment

Harassment Complaints

If an employee observes or experiences any job-related harassment or believes that he or she has been treated in an unlawful or discriminatory manner, the employee should promptly report the incident, preferably in writing.

Such incident should be reported either:

1. to his or her supervisor or anyone higher in the chain-of-command, who shall promptly report the matter to the Library Director; or
2. if the supervisor is the subject of the complaint or the employee believes that it would be inappropriate to communicate with the supervisor, the employee should report the incident directly to the Library Director. (In this event, each step of this policy that would involve the supervisor will be instead performed by the Library Director or by a person designated by the Library Director); or
3. if the Library Director is the subject of the complaint, the employee should report the incident to the President of the Board of Trustees of the Library.

The Library Director shall conduct or shall designate a qualified person to conduct an objective and impartial investigation of the allegations of a complaint, which investigation will be made as soon as practicable. Consistent with the need to conduct a thorough and complete investigation, to the extent practicable, confidentiality will be maintained. If the investigation leads to a determination that a complaint is well-grounded and true, appropriate corrective action shall be taken. This may include discharge or other discipline of the guilty employee. In the case of unlawful harassment by a non-employee, the company will notify the person of the company's policy against harassment and take such other action as may be appropriate under the circumstances. If the complaint is not substantiated, the matter will be closed. In either case, however, the complaining employee will be advised of the results of the investigation and the decision reached by the City.

Retaliation Complaints

It is Library policy that no adverse action shall be taken against any employee for resisting or making a good faith report of harassment, filing a complaint or charge, or participating in any related investigation or proceeding. If an employee believes that he or she has been retaliated against for resisting or reporting harassment, the employee should report such retaliation in the same manner as set forth above for employees who have complaints of harassment. The same procedures will be followed in investigating and responding to such reports.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any municipal employee that is taken in retaliation for a municipal employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation.

Similar to the prohibition against retaliation contained herein, the State Officials and Employees Ethics Act (5 ILCS 430/15-10) provides whistleblower protection from retaliatory action such as reprimand, discharge, suspension, demotion, or denial of promotion or transfer that occurs in retaliation for an employee who does any of the following:

1. Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice of any officer, member, State agency, or other State employee that the State employee reasonably believes is in violation of a law, rule, or regulation,
2. Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into any violation of a law, rule, or regulation by any officer, member, State agency or other State employee, or
3. Assists or participates in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Pursuant to the Whistleblower Act (740 ILCS 174/15(a)), an employer may not retaliate against an employee who discloses information in a court, an administrative hearing, or before a legislative commission or committee, or in any other proceeding, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. In addition, an employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation. (740 ILCS 174/15(b)).

According to the Illinois Human Rights Act (775 ILCS 5/6-101), it is a civil rights violation for a person, or for two or more people to conspire, to retaliate against a person because he/she has opposed that which he/she reasonably and in good faith believes to be sexual harassment in employment, because he/she has made a charge, filed a complaint, testified, assisted, or participated in an investigation, proceeding, or hearing under the Illinois Human Rights Act.

An employee who is suddenly transferred to a lower paying job or passed over for a promotion after filing a complaint with Illinois Department of Human Rights (IDHR) or Equal Employment Opportunity Commission (EEOC), may file a retaliation charge – due within 180 days (IDHR) or 300 days (EEOC) of the alleged retaliation.

Malicious Accusations

Malicious accusations of harassment can have serious effects on innocent persons. Malicious accusations are accusations of harassment that were known by the accuser to be false. Malicious accusations of harassment do not refer to charges made in good faith that cannot be proven or are deemed unfounded. If an investigation results in a finding that a person who has accused another of harassment has maliciously made the accusations, the accuser will be subject to discipline, up to and including immediate termination.

Discipline

Any Library employee who is determined, after an investigation, to have engaged in conduct that violates this policy will be subject to disciplinary action up to and including termination. If any Library employee engages in conduct that violates this policy, appropriate remedial and corrective action shall be taken with respect to that individual. In the case of unlawful harassment by any other nonemployee,

the Library will notify the person of the Library's policy against harassment and take such other action as may be appropriate under the circumstances.

In addition to any and all other discipline that may be applicable pursuant to Library policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreement, any person who violates this policy or the Prohibition on Sexual Harassment contained in 5 ILCS 430/5-65, may be subject to a fine of up to \$5,000 per offense, applicable discipline or discharge by the municipality and any applicable fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense. Any discipline imposed by the municipality shall be separate and distinct from any penalty imposed by an ethics commission and any fines or penalties imposed by a court of law or a State or Federal agency.

7.4 External Procedures

The Library is committed to promptly responding to and resolving sexual or other harassment complaints in a prompt and fair manner. It is hoped that such complaints of sexual or other harassment can be resolved within the Library through the internal procedures outlined above.

All Library employees, however, have the right to file formal harassment charges with the Illinois Department of Human Rights ("IDHR") and/or the United States Equal Employment Opportunity Commission ("EEOC"). Such charges must be filed within a certain time period, usually within 180 days of the alleged harassing incident, if filed with the IDHR, or within 300 days, if filed with the EEOC. Under certain circumstances, these deadlines may be extended for continuing offenses under applicable law.

It is unlawful for an employer to retaliate against an employee for filing a charge of harassment with the IDHR or the EEOC. An employee who feels that she or he has been retaliated against after filing a charge with the IDHR or EEOC has 180 days (IDHR) or 300 days (EEOC) from the alleged retaliation to file a retaliation charge.

To contact the IDHR write or call its Chicago or Springfield office. To contact the EEOC, write or call its Chicago office.

Illinois Department of Human Rights

217.785.5100 Springfield 312/814-6200

Chicago Illinois Human Rights Commission

217.785.4350 Springfield 312/814-6269

Chicago Equal Employment Opportunity Commission

800.669.4000

Adopted by the Board of Trustee on January 8, 2018.