

Document Status: Draft Update

Workplace Harassment Prohibited

5:20-E Resolution to Prohibit Sexual Harassment

WHEREAS, Section 10-20 of the School Code ([105 ILCS 5/10-20](#)) grants Board of Educations other powers that are not inconsistent with their duties;

WHEREAS, Section 1-5 of the State Officials and Employees Ethics Act ([5 ILCS 430/1-5](#)) includes school districts within the definition of a *governmental entity*;

WHEREAS, Section 5-65 of the State Officials and Employees Ethics Act ([5 ILCS 430/5-65](#), added by P.A. 100-554) provides that all persons have a right to work in an environment free from sexual harassment;

WHEREAS, Section 70-5 of the State Officials and Employees Ethics Act (5 ILCS 430/70-5, amended by P.A.s 100-554 and 101-221) requires governmental entities to adopt an ordinance or resolution establishing a policy to prohibit sexual harassment which, at a minimum, includes: (1) a prohibition on sexual harassment; (2) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations, including availability of whistleblower protections under the Act, the Whistleblower Act (740 ILCS 174/), and the Ill. Human Rights Act (775 ILCS 5/); and (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report; and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official. [PRESSPlus1](#)

THEREFORE, BE IT RESOLVED, by the Board of Education of Bloomington School District 13, DuPage County, Illinois, as follows:

Section 1: The Board adopts Board policies 2:105, Ethics and Gift Ban, and 5:20, Workplace Harassment Prohibited, attached as Exhibit A, which collectively contains the following: (1) a prohibition on sexual harassment; (2) detail regarding how an individual can report an allegation of sexual harassment, including options for making a confidential report to an immediate supervisor, the Building Principal, an administrator, the Nondiscrimination Coordinator, a Complaint Manager, or the Ill. Dept. of Human Rights; (3) a prohibition on retaliation for reporting sexual harassment allegations and a statement regarding the availability of whistleblower protections under the State Officials and Employees Ethics Act, the Whistleblower Act, and the Ill. Human Rights Act; and (4) the consequences: (a) of a violation of the prohibition on sexual harassment; and (b) for knowingly making a false report, and (5) a mechanism for reporting and independent review of allegations of sexual harassment made against a Board member by a fellow Board member or other elected official.

Section 2: Any prior versions of Board policies 2:105, Ethics and Gift Ban, and 5:20, Workplace Harassment Prohibited, adopted by the Board are superseded by this Resolution.

Adopted this 17th day of December, 2018.

Attested by: Board President

Attested by: Board Secretary

PRESSPlus Comments

PRESSPlus 1. Updated in response to the State Officials and Employees Ethics Act (SOEEA), 5 ILCS 430/70-5, amended by P.A. 101-221, requiring boards to amend their sexual harassment policies by resolution to include a mechanism for reporting and independent review of sexual harassment allegations made against board members by elected officials. The resolution must be adopted by February 9, 2020. **Issue 102, October 2019**