

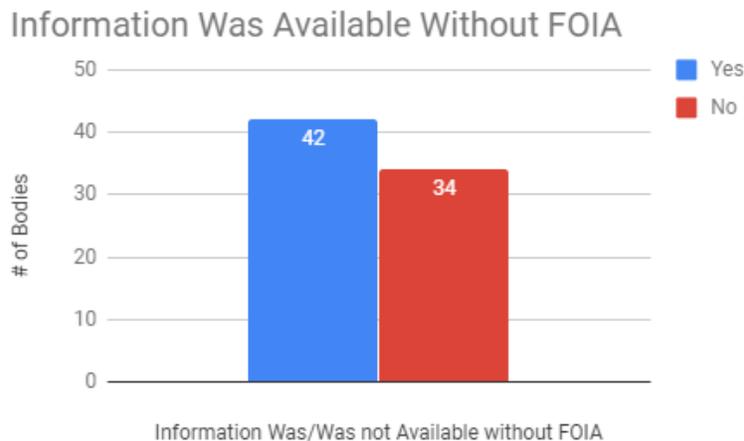
CAC summer high school interns searched and submitted FOIA requests for policies against sexual harassment in all municipalities, townships, and park districts in DuPage County. Enacted on November 16, 2017, Public Act 100-0554 requires all governmental entities adopt within 60 days of enactment a policy prohibiting sexual harassment to provide at least the following four provisions:

- (i) a prohibition of sexual harassment;
- (ii) a procedure detailing how to report sexual harassment;
- (iii) a prohibition on retaliation for reporting allegations;
- (iv) consequences for violating the policy and consequences for knowingly making a false report.

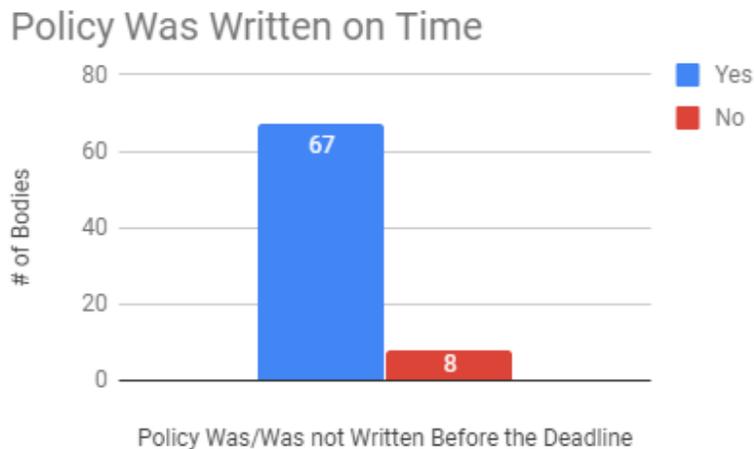
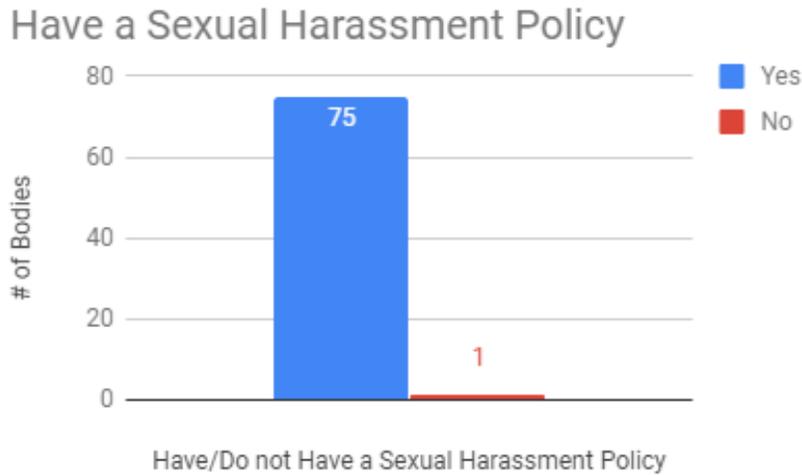
Students surveyed the policies to determine if the governmental entity timely adopted all four provisions. While most governmental entities may have already had some form of anti-sexual harassment protocol, through Public Act 100-0554 they were required to either pass a new policy or update the existing one by mid-January. Many of the park districts stated in their board meetings that they already had a sexual harassment policy, yet almost every board updated the policy so that it complied with the new law. Additionally, they took note of any unusual policies and practices.

Most governmental entities that were surveyed adopted the provisions on time and with clear, unproblematic language. However, there were some governmental entities that enacted the provision past the deadline, although there were no consequences for enacting it late. Some policies included problematic provisions.

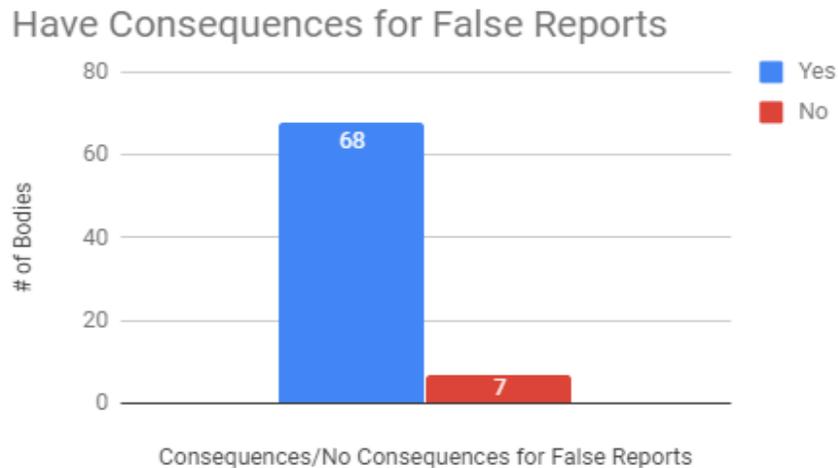
Only 42 of the 76 governmental entities surveyed had a sexual harassment policy that was easily accessible and could be viewed without submitting a Freedom of Information Act Request.



Of the 76 governmental entities surveyed, only one (Tri-State Park District) did not have a sexual harassment policy, and 67 of the 76 passed or updated their policies on time.



The surveyed policies reflected content meeting the first three requirements of this law. However, seven of the governmental entities had a sexual harassment policy that did not include consequences for knowingly making a false report, which is the fourth required provision of Public Act 100-0554.



Other Provisions

Most governmental entities strongly urged that early intervention of a reported incident would make the following investigation be accurate due to relevant evidence and constructive action.

Additionally, many policies stated that witnesses to harassment, discrimination, or retaliation should report witnessed offenses to a supervisor.

Many sexual harassment policies included a provision concerning third parties and non-employees. Incidents involving third parties could be reported, but the policies stated the governmental entity was limited in their abilities to reprimand third parties.

Many policies included a concerning provision stating, "An employee who either observes sexual harassment 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, and her/his immediate supervisor." This provision implies that victims of sexual harassment are required to confront their harasser, which can be discouraging and intimidating. An employment lawyer contacted by CAC commented on Naperville Township's policy in particular, stating "forcing an employee to confront the alleged harasser seems grossly unfair. It arguably has a serious chilling effect." However, she did note that policies including this provision do not violate federal or state employment laws.

In contrast, most of the governmental entities surveyed clearly stated that confronting an alleged harasser was not a required part of the reporting procedure. Many bodies acknowledged the fact that confronting a harasser could place victims in uncomfortable or potentially dangerous situations.



BUILDING DEMOCRACY FOR THE 21ST CENTURY

Many of the policies failed to meet the fourth provision of Public Act 100-0554. Some policies failed to state the consequences for knowingly making a false report, and others did not address false reports at all.

Follow-up with the Tri-State Park District revealed its mistaken belief that because the staff are all volunteers, they need not comply with the law. Regardless of the paid status of staff, all governmental entities in Illinois should make haste and adopt all four provisions required by the law.