

**TITLE 2
ADMINISTRATION**

**CHAPTER 11
ARTICLE A
SEXUAL MISCONDUCT**

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2-11A-1. POLICY STATEMENT.

- A. Palos Township will not tolerate and will seek to eradicate any behavior by its employees, volunteers or elected officials that would constitute Sexual Misconduct.

- B. "Sexual Misconduct" means any behavior or any act of sexual nature while on-duty or during the performance of official township business that is directed towards an arrestee, detainee, or minor, meaning any person under the age of eighteen years, committed or performed by a township employee, volunteer, elected official or outside contractor present on township property or doing work pursuant to a contract with the township. Sexual misconduct includes any actual or attempted sexual molestation, sexual assault, sexual abuse, sexual exploitation or sexual injury. Sexual misconduct includes any sex offenses against a child, as such sex offenses are defined in the Illinois Criminal Code of 1961, as amended, and extending those definitions of sex offenses to include children under the age of eighteen years. "Sexual misconduct" does not include "Sexual harassment." The terms "minor" and "child" are defined by this policy to include children under the age of eighteen years.

- C. All township employees, volunteers and elected officials-are expected to comply with this policy. This policy is not intended to and shall not be interpreted as creating duties and responsibilities of employees, volunteers or elected officials as to third parties beyond those imposed by law. (Ord. 2009-5, 12-14-2009)

2-11A-2. ADULT CONTACT WITH CHILDREN.

Under most circumstances, township employees, volunteers and elected officials will not be allowed to have unsupervised contact with children. An exception is made in the following instances: (i) sworn law-enforcement officers transporting a child for law enforcement purposes; (ii) certified Juvenile Officers in the course of their duties; and (iii) certified and/or licensed medical personnel in the course of their duties tending to the medical needs of Township patients. Generally, other than in these three instances, a child should not be touched by a township employee, volunteer or elected official. In the cases where a child has been taken to custody or transported by a sworn law enforcement officer, served by a Juvenile Officer, treated by medical personnel, or where the child seeks emotional support, a child may be touched. However, in these instances, physical contact should be limited to a shoulder pat, a shoulder hug, a pat on the upper back, a handshake or other appropriate contact given the circumstances. All such contact should be brief in nature and reasonable given the circumstances. (Ord. 2009-5, 12-14-2009)

2-11A-3. REPORTING PROCEDURES.

It is the express policy of the Township to encourage victims of Sexual Misconduct by Township employees, volunteers or elected officials, and the parents or guardians in the case of minors, to come forward with such claims. The Township has designated, or promptly after the adoption of this Ordinance will designate, a Child Abuse Counselor, who shall be responsible for the implementation and monitoring of this policy. In order to conduct an immediate investigation, any incident of Sexual Misconduct as defined by this policy must be reported as quickly as possible in confidence, as follows:

- A. Employees. It is the duty of all Township employees to report any known or suspected incident of Sexual Misconduct by Township employees, volunteers or elected officials to their direct supervisor. If the person to whom an employee is directed to report is the offending person, the report should be made to the next higher level of administration or supervision. In the event such Sexual Misconduct involves a minor, such incident must be reported in accordance with the Illinois mandatory reporting guidelines.
- B. Volunteers. All volunteers who have contact with arrestees, detainees, or minors, shall be advised of the contents of this Sexual Misconduct policy. All volunteers whose contact with minors may be unsupervised shall be notified of the Illinois mandatory reporting guidelines, and instructed to report any known or suspected incidents of Sexual Misconduct by township employees, volunteers or elected officials, to the Designated Child Abuse Counselor. (Ord. 2009-5, 12-14-2009)

2-11A-4. INVESTIGATION AND CONFIDENTIALITY.

- A. All formal complaints will be given a full, impartial and timely investigation.
- B. During such investigation, while every effort will be made to protect the privacy of all parties, confidentiality cannot be guaranteed. Complaints against law enforcement, officers should be handled in accordance with the Uniform Peace Officers Disciplinary Act, 50 ILCS 725/1 *et seq.*
- C. Investigations will be conducted in accordance with any applicable state and federal laws and collective bargaining agreements, if any.
- D. Any case of known or suspected child abuse must be reported immediately in compliance with Illinois mandatory reporting guidelines and to the Designated Child Abuse Counselor or the State's Attorney's Office.
- E. The Designated Child Abuse Counselor shall immediately notify the child's parent or legal guardian (unless the suspected abuser is the child's parent or legal guardian and the appropriate legal authorities as required by law.
- F. The Designated Child Abuse Counselor shall document his/her investigation and immediately follow-up to investigate the incident and assert on the condition of the child The Designated Child Abuse Counselor is encouraged to communicate any questions or concerns about any incident with legal counsel for the Township.
- G. During the investigation of a formal complaint, the Township will take all necessary steps to prevent any further Sexual Misconduct from occurring. The accused employee, volunteer or elected official shall be immediately relieved of responsibilities that involve interaction with the accused, and depending on the nature of the allegations, be relieved of responsibilities that involve interaction with other arrestees, detainees, or minors, or shall be suspended. Reinstatement of employees, volunteers, or elected officials involved in a reported incident of Sexual Misconduct shall occur only after all allegations have been cleared by investigations. (Ord. 2009-5, 12-14-2009)

2-11A-5. DISCIPLINE.

- A. Any Township employee, volunteer, or elected official who is determined, after investigation, to have engaged in Sexual Misconduct in violation of this policy will be subject to disciplinary action up to an including discharge.
- B. False accusations regarding Sexual Misconduct will not be tolerated, and any Township employee, volunteer, or elected official knowingly making a false accusation will likewise be subject to disciplinary action up to and including discharge.

- C. The Township will discipline any Township employee, volunteer, or elected official who retaliates against any person who reports alleged Sexual Misconduct or who retaliates against any person testifies, assists, or participates in an investigation, proceeding or a hearing related to a Sexual Misconduct complaint.
- D. Retaliation includes, but is not limited to, any forms of intimidation, reprisal or harassment. (Ord. 2009-5, 12-14-2009)

2-11A-6. MAINTENANCE OF RECORDS AND DOCUMENTS.

Except as otherwise required by law, the Designated Child Abuse Counselor shall maintain all records and documentation required by law or otherwise required by this and other policies of the Township including all documents related to procedures for hiring/screening, employee/volunteer code of conduct, training, sign-in/sign-out, pick-up and release procedures, incident reporting, and follow-up and disciplinary action.
(Ord. 2009-5, 12-14-2009)