



CITY OF AURORA, ILLINOIS

ORDINANCE NO. 023-045
DATE OF PASSAGE June 27, 2023

An Ordinance amending Chapter 22 Code of Ordinances Pertaining to Harassment and Discrimination Prohibitions.

WHEREAS, the City of Aurora has a population of more than 25,000 persons and is, therefore, a home rule unit under subsection (a) of Section 6 of Article VII of the Illinois Constitution of 1970; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals, and welfare; and

WHEREAS, this new Ordinance allows enforcement by the city for different types of discrimination; and

WHEREAS, this further consolidates and amplifies current policies and extends to city officers, employees, appointees and any vendor or contractor that has a city contract.)

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Aurora, Illinois, as follows:

Section One: That Chapter 22 shall be and hereby is amended as set forth in Exhibit A.

Section Two: That this Ordinance shall be in full force and effect, and shall be controlling, upon its passage and approval.

Section Three: That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed insofar as any conflict exists.

Section Four: That any section, phrase or paragraph of this Ordinance that is construed to be invalid, void or unconstitutional shall not affect the remaining sections, phrases or paragraphs of this Ordinance which shall remain in full force and effect.

Section Five: That the City Clerk and Corporation Counsel are hereby authorized to make any non-substantive, clerical or formatting changes and amendments to Exhibit A as necessary for codification and updating of this Ordinance in Municode.

ORDINANCE NO. 023-045

LEGISTAR NO. 23-0443

PASSED AND APPROVED ON June 27, 2023

AYES 11 NAYS 0 NOT VOTING 0 ABSENT 0

ALDERMAN	Vote
Alderman Llamas, Ward 1	yes
Alderwoman Garza, Ward 2	yes
Alderman Mesiacos, Ward 3	yes
Alderman Donnell, Ward 4	yes
Alderman Franco, Ward 5	yes
Alderman Saville, Ward 6	yes
Vacant, Ward 7	N/A
Alderwoman Smith, Ward 8	yes
Alderman Bugg, Ward 9	yes
Alderwoman Baid, Ward 10	yes
Alderman Laesch, At Large	yes
Alderman Woerman, At Large	yes

ATTEST:

Jennifer Stallep
City Clerk

[Signature]
Mayor

1 **Chapter 22 Harassment and Discrimination ~~Human Rights~~**

2 Article 22-I Discrimination and Harassment by City Officers,
3 Employees, and Appointees Prohibited.

4 Sec. 22-01. Applicability of this article. The prohibitions of
5 this article apply to all officers, employees, and appointees of
6 the city, and including, but not limited to, the city's elected
7 officials and members of any board or commission of the city.

8 Sec. 22-02. Prohibitions.

9 (a) No person subject to this article shall, in the
10 performance of their official duties, engage in any act of
11 discrimination prohibited by law or by ordinance.

12 (b) No person subject to this article, shall in the
13 performance of their official duties, or while on or within real
14 property controlled by the city, engage in any act of sexual
15 harassment prohibited by law or ordinance.

16 (c) No person subject to this article shall refuse to
17 cooperate with an investigation into an alleged violation of this
18 article.

19 (d) No person subject to this article shall engage in any
20 act of retaliation against any person who in good faith alleged a
21 violation thereof. The whistleblower protections set forth in sec.
22 2-190 and sec. 2-191 of this code, to the extent they are
23 applicable, are incorporated herein by reference.

24 Sec. 22-03. Personnel Policies and Employment Contracts.

1 (a) The human resources department shall incorporate the
2 provisions of this article as part of the personnel manuals and
3 policies promulgated to city employees who are not represented by
4 collective bargaining units.

5 (b) The city shall propose for inclusion as part of all
6 collective bargaining agreements negotiated or entered into after
7 the effective date of this ordinance the prohibitions set forth in
8 this article.

9 Sec. 22-04. Complaint Procedure.

10 (a) Employee. A complaint of a violation of this policy by
11 a city employee shall be made to the chief human resources officer.
12 Investigations shall be conducted by the chief human resources
13 officer, or in the case of an employee subject to a collective
14 bargaining agreement, by such person or agency designated therein
15 to conduct an investigation.

16 (b) Elected official or member of a board or commission. A
17 complaint of a violation against an elected official or a member
18 of a board or commission shall be made to the corporation counsel.
19 Upon receipt, the corporation counsel shall investigate the
20 allegations. If the corporation counsel finds reasonable cause to
21 believe that a violation occurred, the corporation counsel may
22 prosecute such violation in the manner of an ordinance violation
23 before an administrative hearing officer in accordance with
24 chapter 3 of this code.

1 Sec. 22-05. Penalties.

2 (a) An employee who violates any provision of this article
3 shall be subject to employee discipline in the manner and to the
4 extent provided in the personnel policy, pay plan, or collective
5 bargaining agreement applicable to such employee.

6 (b) A member of a board or commission who violates any
7 provision of this article may be fined in an amount not less than
8 \$100 and not more than \$500 by the administrative hearing officer
9 for each violation. Upon a determination of liability by the
10 hearing officer, the corporation counsel shall cause a copy of the
11 hearing officer's written findings to be transmitted to the mayor
12 and to the city council. A violation of this article shall
13 constitute cause for the mayor to remove a member of a board or
14 commission.

15 (c) An elected official who violates any provision of this
16 article may be fined in an amount not less than \$100 and not more
17 than \$500 by the administrative hearing officer for each violation.
18 Upon a determination of liability by the hearing officer, the
19 corporation counsel shall cause a copy of the hearing officer's
20 written findings to be transmitted to the mayor and to the city
21 council. The city council or a committee thereof shall take
22 whatever lawful action it deems appropriate upon receipt of such
23 findings.

1 Article 22-II Discrimination and Harassment in Housing, Access to
2 Credit, Public Accommodation, and Employment Prohibited ~~Commission~~
3 ~~on Human Relations~~

4 Sec. 22-15. Applicability. The provisions of this article apply to
5 all persons engaged in employment, real estate transactions,
6 access to financial credit, and the availability of public
7 accommodations within the city, except persons subject to article
8 I of this chapter.

9 Sec 22-16. Commission on Human Relations Created

10 In accordance with Section 11-11.1-1 of the Illinois
11 Municipal Code other provisions of law, and the home rule authority
12 of the city, there is created a commission on human relations
13 (hereafter "Human Relations Commission").

14 It is the express intent of this chapter to further the policy
15 of the United States and the State of Illinois as expressed in
16 their constitutions and law; to further understanding among people;
17 and to protect and insure peace, health, safety and the general
18 welfare of all inhabitants of the city. It is hereby declared to
19 be the policy of the City that:

20 a. Discrimination based upon race, color, religion, sex,
21 national origin, ancestry, age, order of protection
22 status, marital status, physical or mental disability,
23 military status, sexual orientation or unfavorable
24 discharge from military service is hereby prohibited

1 in connection with employment, real estate
2 transactions, access to financial credit, and the
3 availability of public accommodations; and

4 b. Sexual harassment and discrimination based on
5 citizenship status is hereby prohibited in connection
6 with employment; and

7 c. Discrimination based on familial status is hereby
8 prohibited in connection with real estate
9 transactions.

10 (Ord. No. 012-043, § 1, 6-12-12)

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12 Article 22-III - Discrimination and Harassment in City Contracts
13 Prohibited.

14 Sec. 22-50. Applicability. The provisions of this article apply to
15 all persons providing goods, services, or professional services of
16 any kind to the city pursuant to any contract or agreement
17 authorized by the city council or pursuant to this code.

18 Sec. 22-55. Prohibitions.

19 (a) No person subject to this article shall, in the
20 performance of any work or provision of goods, services, or
21 professional services to the city or through a contract approved
22 by the city, engage in any act of discrimination prohibited by law
23 or by ordinance.

1 (b) No person subject to this article, in the performance of
2 any work or provision of goods, services, or professional services
3 to the city or through a contract approved by the city, shall
4 engage in any act of sexual harassment prohibited by law or
5 ordinance.

6 (c) No person subject to this article shall refuse to
7 cooperate with an investigation into an alleged violation of this
8 article.

9 (d) No person subject to this article shall engage in any
10 act of retaliation against any person who in good faith alleged a
11 violation thereof. The whistleblower protections set forth in sec.
12 2-190 and sec. 2-191 of this code, to the extent they are
13 applicable, are incorporated herein by reference.
14 Sec. 22-60. Implied term in all contracts.

15 The provisions of this article shall be and hereby are
16 incorporated as part of all contracts for the performance of any
17 work or provision of goods, services, or professional services to
18 the city or through a contract approved by the city after August
19 1, 2023, and shall be construed to be a material term therein. The
20 city council may determine that a violation of this article is
21 sufficient cause to terminate any contract let on or after the
22 effective date of this ordinance.

23 Sec. 22-65. Complaint Procedure.

1 A complaint of a violation of this article may be made to the
2 head of the purchasing division. The head of the purchasing
3 division, with the assistance of the law department, inquire into
4 any allegation regarding a violation of this article and any
5 officer, employee, or contractor with information relevant to the
6 inquiry shall fully cooperate with such investigation.

7 Sec. 22-70. Penalties. Upon the determination by the head of the
8 purchasing division that a violation of this ordinance has occurred,
9 such person may:

10 (a) Direct in writing that the violation of this article
11 immediately cease;

12 (b) Debar the person violating this article from
13 participating in further contracts with the city for up
14 to two (2) years;

15 (c) For contracts entered on or after August 1, 2023, declare
16 that a material breach of the contract has occurred and
17 requiring the person to immediately cure said breach in
18 accordance with the contract terms; or

19 (d) For contracts entered on or after August 1, 2023,
20 recommend to the city council that it terminate the
21 existing contract.

22 Sec. 22-75. A determination by the head of the purchasing division
23 that a violation of this article has occurred and the sanction
24 imposed may be appealed in accordance with chapter 3 of this code.