

# **Lisle Free Library**

## **Personnel**

### **Policy 3-E “Sexual Harassment”**

**Effective Date:** Immediately

**Application:** All Library Staff, Personnel, and Trustees

**Statement of Purpose:** The Lisle Free Library is committed to maintaining a workplace free of discrimination and harassment. Sexual harassment is a violation of Lisle Free Library policy and a violation of federal, state, and local law.

Sexual harassment of any employee by another employee, manager, or non-employee (e.g. intern, volunteer, independent contractor, contract worker, vendor, client, customer or visitor), regardless of their sex or gender, is prohibited. Sexual harassment of non-employees by our employees is also prohibited. Further, any retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is also unlawful and will not be tolerated.

Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action, up to and including termination of employment.

#### **Policy:**

##### **I. What is Sexual Harassment?**

- A. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.
- B. Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:
  - 1. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
  - 2. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  - 3. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment.
- C. Sexual harassment is not limited to the physical workplace. It can occur while employees are traveling for business or at employer sponsored events or parties. It can occur outside of work hours.

## II. Examples of Sexual Harassment:

- A. While it is not possible to list all acts which may constitute sexual harassment, it may include explicit sexual propositions or flirtations; sexual innuendo; suggestive comments; sexually oriented teasing; comments or jokes about gender-specific traits, sexual orientation, gender identity or gender expression; foul or obscene language or gestures; unwanted physical contact; the display or transmission of obscene, demeaning, insulting, intimidating, or sexually suggestive objects, pictures, or photographs; and hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender, such as interfering with the individual's ability to perform the job, bullying, or name-calling.
- B. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called "quid pro quo" harassment.

## III. What is Retaliation?

- A. Retaliation is any action that would keep an individual from coming forward to make or support a sexual harassment claim. The action need not be job-related or occur in the workplace to constitute unlawful retaliation.
- B. Such retaliation is unlawful under federal, state, and (where applicable) local law. Both the New York State Human Rights Law and Title VII of the Civil rights Act of 1964 protect individuals who engage in "protected activity." Protected activity occurs when a person has:
  - 1. Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
  - 2. Testified or assisted in a proceeding involving sexual harassment under Title VII, the Human Rights Law, or other anti-discrimination law;
  - 3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
  - 4. Complained that another employee has been sexual harassment; or
  - 5. Encouraged a fellow employee to report harassment.
- 6. Retaliation against an employee who, in good faith, makes a complaint or sexual harassment will not be tolerated and will itself be subject to disciplinary action, up to and including termination of employment. Furthermore, no adverse actions will be taken against employees who report violations of this policy in good faith or participate in the investigation of such violations.

#### IV. Reporting Sexual Harassment

- A. Sexual harassment is a form of employee misconduct. No employee is required to submit to, or accept, sexual harassment in order to maintain their position, promotional opportunities, benefits, or to meet any other condition of employment.
- B. Any employee or non-employee who believes they have been a victim of sexual harassment or who believes the actions of another employee or non-employee constitute sexual harassment, is encouraged to immediately notify the Director or the Board member with whom they are comfortable.
- C. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy. Individuals reporting sexual harassment on behalf of someone else should also use the complaint form.
- D. Employees or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums as explained below.
- E. All Board members and Director who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior, or for any reason suspect that sexual harassment is occurring, are required to report such suspected behavior to the Board of Trustees. In addition to being subject to discipline if they engage in sexually harassing conduct themselves, the Board member and the Director will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

#### V. Investigation of a Sexual Harassment Complaint

- A. All complaints of sexual harassment will be investigated whether the information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt and thorough. The investigation will be confidential to the extent possible. Corrective action will be taken whenever sexual harassment is found to have occurred.

All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation. Due process in relation to claims of sexual harassment provides (1) the complainant with the ability to provide full details of the complaint, (2) the accused with the opportunity to respond to the allegations, and (3) the opportunity for a thorough and fair investigation to be conducted with proper disciplinary action being administered upon completion of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

- B. Investigations will be done in accordance with the following steps:
  - 1. Upon receipt of the complaint, the Board of Trustees will be notified, conduct a review of the allegations, and take any interim actions, as appropriate.
  - 2. Relevant documents, electronic communications, emails, or telephone records will be reviewed.
  - 3. All parties involved, including any relevant witnesses, will be interviewed.

*Last Revised: 12/17/2019 by CCD*

4. Written documentation of the investigation (i.e. letter, memo, or email) will be created and kept in records, which will include a list of all documents reviewed; the names of those interviewed; a timeline of events; and the final resolution of the complaint, together with any corrective action(s).
5. Upon conclusion of the investigation any identified corrective actions will be taken. The individual(s) who complained and the individual(s) accused will be notified about the final determination.

## VI. Legal Protections and External Remedies

- A. Aside from the Lisle Free Library's internal process, employees may also choose to pursue legal remedies with several government entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.
- B. The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.
- C. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). Sexual harassment is unlawful under Title VII. If an employee believes s/he has been discriminated against at work, s/he can file a discrimination charge with the EEOC.
- D. Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights.
- E. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.
- F. Remedies available to a victim of sexual harassment may include: reinstatement, back pay, front pay, compensatory damages, punitive damages, and attorneys' fees.

**Approved:** 1/6/2020 by Board of Trustee

## Sexual Harassment Complaint Form

If you believe that you or another person has been subjected to sexual harassment, this form may be used to file a complaint. If you are unsure what sexual harassment is, kindly refer to our sexual harassment policy. When completing the form, please provide as much detail as possible as the information will be used to assist in the investigation of your complaint. Submit the completed form to the Director or any Board of Trustee members.

Your Name: \_\_\_\_\_

Your Contact Information (Phone Number or Email): \_\_\_\_\_

Name(s) of Alleged Victim(s): \_\_\_\_\_

Name(s) of Alleged Harasser(s): \_\_\_\_\_

Detailed statement of the incident(s) including dates, times, places, and names of witnesses. Attach additional sheets as needed.

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Are there documents, emails, text messages, etc. which contain information supporting this incident(s) described above? If so, please describe or attach a copy.

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To investigate this report, it will be necessary to interview you, the alleged victim(s), the alleged harasser(s), and any witnesses with knowledge of the allegation(s). To the extent possible, the investigation and any resulting management action will be handled in a confidential manner.

Retaliation against an individual who has complained about sexual harassment or who has cooperated with a sexual harassment investigation is unlawful and will not be tolerated.

*The information provided in this report is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my report.*

Signature of Reporting Person: \_\_\_\_\_ Date: \_\_\_\_\_