

## **Sexual Harassment Protections**

### **Introduction**

The Library District is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace. This policy is one component of the Library District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the Library District, or with a government agency or in court under federal, state or local antidiscrimination laws.

### **Policy**

- A. The Library District's policy applies to all employees, visitors, applicants for employment, interns, whether paid or unpaid, non-employee and persons conducting business<sup>i</sup> with Library District.
- B. Sexual harassment 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.
- C. Retaliation Prohibition: No person covered by this policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because he/she reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any employee of the Library District who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. Any person covered by this policy who believes they have been subject to such retaliation should inform a supervisor, manager, or the Library Director. Any person covered by this policy who believes they have been a victim of such retaliation may also seek assistance in other available forums, as explained below in the section on Legal Protections.
- D. Sexual harassment is offensive, is a violation of our policies, is unlawful, and subjects the Library District to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. Employees and non-employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue, will be penalized for such misconduct.
- E. The Library District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
- F. Any person covered by this policy is encouraged to report any harassment or

behaviors that violate this policy. The Library District will provide all employees a complaint form for employees to report harassment and file complaints.

- G. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the Library Director.
- H. This policy applies to all employees, visitors, paid or unpaid interns, and non-employees, and all must follow and uphold this policy. This policy must be posted prominently in all work locations and be provided to employees upon hiring.
- I. Training on sexual harassment prevention shall be given to all employees on an annual basis. Such training shall be consistent with New York and federal law and regulations.

### **Sexual harassment Defined**

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, gender identity and the status of being transgender.

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:

- 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 complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment may consist of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. A sexually harassing hostile work environment may also consist of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

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.

The Library District encourages any employee, paid or unpaid interns, and non-employees who feels harassed to file a complaint so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

#### **A. Examples of Sexual Harassment**

Sexual conduct that the Library District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

- Physical assaults of a sexual nature, such as:

- Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employees' body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
  - Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work;
  - Bullying, yelling, name-calling.

**B. Who can be a target of sexual harassment?**

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**C. Where can sexual harassment occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises or not during work hours.

**Retaliation is Unlawful**

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the

workplace to constitute unlawful retaliation.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- A. Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- B. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- C. Opposed sexual harassment by making a verbal or informal complaint to management or by simply informing a supervisor or manager of harassment;
- D. Complained that another employee has been sexually harassed; or
- E. Encouraged a fellow employee to report harassment.

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The Library District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Library Director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Library Director.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is available in every department office, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

Employees, paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

#### **A. Supervisory Responsibilities**

All supervisors and managers 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 sexual harassment to the Library Director.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

**B. Complaint And Investigation of Sexual Harassment**

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible. The Library District may also hire an outside investigator to investigate a complaint.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. If additional time is needed to complete the investigation, the investigator will provide all parties with notice of the need for additional time. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee, paid or unpaid interns, or non-employees may be required to cooperate as needed in an investigation of suspected sexual harassment. Employees who participate in any investigation will not be retaliated against.

While the process may vary from case to case, investigations will be done in accordance with the following steps:

1. Upon receipt of complaint, the Library Director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If the complaint is oral, encourage the individual to complete the "Complaint Form" in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
2. If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
3. Request and review all relevant documents, including all electronic communications.
4. Interview all parties involved, including any relevant witnesses;
5. When reviewing cases involving non-employees, the investigator shall consider the extent of the Library District's control and any other legal responsibility the Library District may have with respect to the conduct of the accused.
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

7. Keep the written documentation and associated documents in the employer's records.
8. Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
9. Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

### **Section 29-6. Legal protections and External Remedies**

Sexual harassment is not only prohibited by the Library District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Library District, employees may also choose to pursue legal remedies with the following governmental entities at any time.

#### **A. New York State Division of Human Rights (OHR)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 DHR or in New York State Supreme Court.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, [www.dhr.ny.gov](http://www.dhr.ny.gov)

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR.

#### **B. United States Equal Employment Opportunity Commission (EEOC)**

The 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.).

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination" with the EEOC. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov)

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

#### **C. Local Protections**

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.

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<sup>i</sup> A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

**Complaint Form for Reporting Sexual Harassment**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to a supervisor, manager or the Library Director. The form may be delivered in person, or sent electronically.

**COMPLAINANT INFORMATION**

Name:

Home Address:

Work Address:

Home Phone:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

Your complaint of Sexual Harassment is made against:

Name:

Title:

Work Address:

Work Phone:

Relationship to you:      \_\_\_\_\_ Supervisor      \_\_\_\_\_ Subordinate  
   \_\_\_\_\_ Co-Worker      \_\_\_\_\_ Other

Date(s) sexual harassment occurred:

Is the sexual harassment continuing?      \_\_\_\_\_ Yes      \_\_\_\_\_ No



Please describe the conduct or incident(s) that is the basis of this complaint. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

Please list the name and contact information of any witnesses or individuals that may have information related to your complaint:

*I request that the Poughkeepsie Public Library District investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation.*

Signature: \_\_\_\_\_ Date: \_\_\_\_\_