

Sexual Harassment Policy

The Board of Trustees affirms its commitment to non-discrimination and recognizes its responsibility to provide for all Patchogue-Medford Library employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to Library policy. Therefore, the Board prohibits all forms of sexual harassment by employees paid or unpaid interns, or non-employees. Generally, sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment is not limited to explicit demands for sexual favors. It includes the following:

- a) **VERBAL** – Sexual innuendos, suggestive comments, teasing and jokes of a sexual nature, sexual advances or propositions, repeated offensive sexual flirtations, sexually degrading words about an individual, graphic verbal commentary about an individual's body, sexually oriented language and threats.
- b) **NON-VERBAL** – displaying or circulating in the workplace obscene or sexually suggestive objects, pictures, or graphic commentaries, leering, whistling and obscene gestures.
- c) **PHYSICAL** – Unwelcomed physical contact, including touching, pinching, brushing the body, and any other type of coerced or offensive sexual activity or physical contact.

The Board acknowledges that in determining whether sexual harassment has occurred, the perspective of the victim as well as the offender's conduct and/or intention should be evaluated.

Romantic relationships between an employee, paid or unpaid intern, or non-employee and someone in a supervisory or evaluating relationship are strongly discouraged as such relationships may create a conflict of interest. Furthermore, factors such as real or perceived power of one person over another within the Library may override claims of consent at a later date. Supervisors choosing to enter into such a relationship are required to promptly disclose it to the Director or Assistant Director to enable the Library to determine whether any conflict of interest exists or whether any further steps should be taken in order to ensure a positive work environment.

Sexual harassment by Library staff toward members of the public and/or members of the public toward other members of the public or Library staff is also prohibited. Any such complaints should be brought to the Director or the Board and the matter will be addressed in a manner which is consistent with this policy and related guidelines to the extent possible.

Complaint and Investigation of Sexual Harassment

The Library encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome as well as to notify his/her supervisor of any claimed harassment. If the complaint involves the supervisor, the employee may go to the Director or Assistant Director with the complaint. Additionally, any employee of the Library who has witnessed or experienced any conduct which he or she believes to be inconsistent with this policy has a responsibility and an obligation to report that conduct promptly to his/her supervisor. Supervisors informed of any such allegation shall report it immediately to the Director, or, if the allegation concerns the Director, to the Assistant Director. All such complaints will be investigated promptly and thoroughly.

Upon receipt of an informal/formal complaint, the Library will conduct a thorough investigation of the charges. In addition, if the Library has knowledge of or has reason to know of any alleged sexual harassment, the Library is obligated, even in the absence of a complaint, to investigate such conduct promptly and thoroughly.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. 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 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.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Library Director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If 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.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and

- The final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in the Library's records.
- 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.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

Based upon the results of the Library's investigation, immediate corrective action will be taken, up to and including termination of the offender's employment in accordance with policy and legal guidelines.

The Library will endeavor to keep all matters related to investigations conducted under this policy confidential, including statements given by employees. However, no employee can be guaranteed that his or her statement will never be disclosed, as part of the investigation. Moreover, in the event of a lawsuit or an administrative proceeding, records maintained by the Library and the complainant may be subject to disclosure.

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 in accordance with this policy.

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.

Retaliation Prohibited

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 the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The Library has a zero-tolerance policy for such retaliation against anyone who, in good faith, complains or provides information about suspected sexual harassment. Any employee of the Library who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee, working in the workplace who believes they have been subject to such retaliation should inform a supervisor, manager, or the Library Director. Any employee, paid or unpaid intern, or non-employee who believes they have been a victim of such retaliation may also seek compensation in other available forums, as explained below in the section on Legal Protections.

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:

- filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- complained that another employee has been sexually harassed; or
- encouraged a fellow employee to report harassment.

Training of Staff

The Director/designee(s) shall affirmatively discuss the topic of sexual harassment with all employees, express the Library's condemnation of such conduct and explain the sanctions for harassment. The Board of Trustees of the Patchogue-Medford Library recognizes that sexual harassment is an unacceptable form of conduct which undermines the integrity of the employment relationship. It undermines morale and interferes with the productivity of its victims. While it is not the Board of Trustees' intent to regulate employee's social interaction where relationships are freely entered into, conduct constituting harassment will not be tolerated.

All employees of the Library shall receive training on an annual basis which is interactive, and which includes:

1. an explanation of sexual harassment;
2. examples of conduct that would constitute unlawful sexual harassment;
3. information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment; and
4. information concerning employees' rights of redress and all available forums for adjudicating complaints.

Legal Protections and External Remedies

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

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

New York State Division of Human Rights (DHR)

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.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Library does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines.

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

Contact DHR at (888) 392-3644 or visit 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. The website also contains contact information for DHR's regional offices across New York State.

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.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." 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 or via email at 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.

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.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Dissemination of Policy

A copy of this policy shall be available upon request to all employees and may be posted at various locations throughout the Library.

Adopted by the Board of Trustees: September 26, 2018

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If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your supervisor. If you believe it would be inappropriate to discuss the matter with your supervisor, report it directly to the Library Director or Assistant Director. Once you submit this form, your employer must follow its sexual harassment prevention policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, the Library will still follow its sexual harassment prevention policy by investigating the claims. It is strongly encouraged that you complete this form, however, in order to provide the Library with sufficient information in order to conduct a thorough investigation.

COMPLAINT INFORMATION

Name:

Home Address:

Home Phone:

Job Title:

Specify Preferred Communication Method:

Work Address:

Work Phone:

Email:

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made against:

Name: Title:

Relationship to you: Supervisor Subordinate Co-Worker Other

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

3. Date(s) sexual harassment occurred:

Is the sexual harassment continuing: Yes No

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

I request that the Patchogue-Medford Library investigate this complaint of sexual harassment in a timely and, to the extent feasible, confidential manner and advise me of the results of the investigation.

Signature: _____

Date: _____