**WHITESVILLE PUBLIC LIBRARY SEXUAL HARASSMENT POLICY**

Whitesville Public Library is committed to maintaining a workplace free from sexual harassment. Sexual harassment is a form of workplace discrimination. Whitesville Public Library has a zero-tolerance policy for any form of sexual harassment, and all employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of Whitesville Public Library’s commitment to a discrimination-free work environment.

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

1. Whitesville Public Library Policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with Whitesville Public Library.
2. 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.
3. Retaliation Prohibition: No person covered by this policy shall be subjected to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. Whitesville Public Library has a zero-tolerance policy for such retaliations against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of Whitesville Public 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, on non-employee working in the workplace who believes they have been subject to such retaliation should inform 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.
4. Sexual Harassment is offensive, is a violation of our policies, is unlawful and subjects Whitesville Public Library to liability for harm to victims of sexual harassment. Harassers may also be individually subject to liability. 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.
5. Whitesville Public Library will conduct a prompt, through and confidential investigation that ensures due process for all parties, whenever managements 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.
6. All employees are encouraged to report and harassment or behaviors that violate this policy. Whitesville Public Library will provide all employees a complaint form for employees to report harassment and file complaints.
7. Managers and supervisors are required to report any complaint they receive or any harassment they observe to the library director.
8. This policy applies to all employees, 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.

**WHAT IS “SEXUAL HARASSMENT”?**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and 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 indvidual’s work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of 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 consists 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. Sexual harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipients, which causes the recipient discomfort or humiliation, which interferes 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.

Any employee who feels harassed should complain so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of sexual harassment:

The following describes *some* of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

 \*Physical assaults of a sexual nature, such as:
 \*Touching, pinching, poking, patting, grabbing, brushing against another employee’s 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 preference, 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 or 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 their job.
 \*Sabotaging an individual’s work
 \*Name calling

**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 independents contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

**Where can sexual harassment occur?**

Unlawful 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. 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.

**WHAT IS “RETALIATION”?**

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 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-discriminatory 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

\*Encouraged a fellow employee to report harassment

**REPORTING SEXUAL HARASSMENT**

Preventing sexual harassment is everyone’s responsibility. Whitesville Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or not-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the library director. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior immediately.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy. All employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of another employee should use the complaint form and note that it is on behalf of another employee.

Employees paid or unpaid interns or non-employees who believe they have been a victim of sexual harassment may also seek assistance in other forums.

 **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 behavior to proper authorities.

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

**COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT**

All complaints or information about suspected sexual harassment will be investigated, whether that information was reported verbally or in written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough. It should be conducted within thirty (30) days. The investigation will be confidential 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 of a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment behavior. 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 director will conduct an immediate review of the allegations and take interim actions as appropriate. If complaint is oral, encourage the individual to compete the complaint in writing.

 \*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 electronic communication.
 \*Interview all parties involved, including and relevant witnesses.

 \*Create written documentation of the investigation (letters, memos, emails etc) which contain the following:
 \*A list of all documents reviewed, along with a detailed summary of relevant documents

 \*A list of names of all who have been interviewed, along with detailed summaries of their statements
 \*A timeline of events
 \*A summary of prior relevant incidents, reported or unreported

 \*The final resolution of the complaint include all actions taken

 \*Keep the written documentation and associated documents.

 \*Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions as noted in the policy

 \*Inform the individual who complained of their right to file a complaint externally also

 **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Sexual harassment is not only prohibited by Whitesville Public Library, but is also prohibited by state, federal and local law.

Aside from the internal process at Whitesville Public Library, employees may also choose to pursue legal remedies with the following governmental entities:

**New York State Division of Human Rights (DHR)**

The Human Rights Law (HRL), codified as NY Executive Law art 15 290 et seq, applies to employers in NY 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 HRL may be filed either with DHR or the NY Supreme Court.

Complaints with the DHR may be filed within one year of the harassment. If an individual did not file at the DHR they can sue directly in state court und the HRL within three years of the alleged discrimination. An individual may not file with the DHR if they have already filed a HRL complaint in state court.
Complaining internally to the library director does not extend your time to file with DHR or in court. The one 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 the DHR and there is no fee.

DHR will investigate your complaint and determine whether there is probable cause to believe that discrimination has occurred. Probably 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 contact information is NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, NY 10458,(718) 741 8400**

**United States Equal Employment Opportunity Commission (EEOC)**

The EEOC enforces federal anti-discrimination laws. 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 to determine whether there is reasonable cause to believe that discrimination has occurred. If just cause is determined 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 the complaining parties. Federal courts may award remedies if discrimination if found to have occurred.

In an employee believes he/she has been discriminated against he/she can file a Charge of Discrimination.

**EEOC’s contact information is located by districts. To find your district contact information call 1-800-669-6820 or visit their web site at** [**www.eeoc.gov**](http://www.eeoc.gov)**; or email** **info@eeoc.gov**

If an individual files an administrative complaint with the DHR, DHR will file a complaint with the EEOC.

**Local Protection:**

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 your local authorities to obtain information as to where to file these complaints.

**Local Police**

If the harassment involves physical touching, coerced physical confinement or coerced sex acts the conduct may constitute a crime. Contact your local police to report these incidents.