

SEXUAL HARASSMENT / SEXUAL HARASSMENT PREVENTION POLICY

Philosophy

Oxford Memorial Library provides its employees with a working environment that is free from discrimination and harassment. The Library does not tolerate sexual harassment, whether verbal, physical, environmental, nor does it tolerate reprisals against any employee who makes a sexual harassment complaint.

Sexual harassment is illegal and violates Title VII of the Federal Civil Rights Act of 1964.

Definition

Sexual harassment is a form of sex discrimination. There are two broad categories of sexual harassment:

1. Conduct aimed at extracting sexual favors as a quid pro quo (i.e., as an exchange) for employment, advancement, or some other tangible benefit. A supervisor promising, threatening, insinuating or otherwise suggesting that an employee's submission or rejection of sexual advances will influence personnel decisions or any term or condition of employment or career development is quid pro quo sexual harassment.
2. Conduct which creates a hostile, intimidating, or offensive working environment. Creating a hostile environment in the work place, whether verbal or physical conduct committed by supervisors, coworkers, or non-employees also constitutes sexual harassment.

Examples of such conduct include, but are not limited to:

Verbal: Sexual innuendo; suggestive comments; insults; threats; jokes about gender-specific traits; sexual propositions; comments about an individual's body, sexual prowess or sexual deficiencies.

Nonverbal: Making suggestive or insulting noises; leering; whistling; making obscene gestures; displaying sexually suggestive objects or pictures.

Physical: Touching, pinching, brushing the body, coercing sexual intercourse, or assault.

Individuals Covered by This Policy

This policy applies to the actions of all staff, patrons, vendors, and any other persons who come in contact with the Library's employees.

Reporting a Complaint

Oxford Memorial Library encourages employees who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the Library recognizes that such a confrontation may not be possible. If such informal, direct communication between individuals is either ineffective or impossible, the following steps should be followed in reporting a sexual harassment complaint.

1. Notification of Appropriate Staff

Individuals who believe they have been sexually harassed should report the incident to his/her supervisor or the President of the Library Board of Trustees. If the complaint is successfully resolved in an informal manner by the Board President, or the supervisor, a confidential report about the complaint and the resolution must be prepared and kept on file to the Library will be aware of any pattern of harassment by a particular individual.

Managers are required to report sexual harassment allegations.

2. Description of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of sexual harassment.

Verbal reports should be put in writing by the complainant and signed. Individuals who believe they have been or currently are being harassed should maintain a record of objectionable conduct.

3. Time frame for Reporting a Complaint

Prompt reporting of complaints is encouraged to that rapid response and appropriate action may be taken.

4. Protection Against Retaliation

The Library will not tolerate retaliation against an employee who makes a report of sexual harassment or those who may have assisted with an investigation. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Anyone found to have retaliated against another for reporting sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

Investigating the Complaint

1. Confidentiality

Any allegation of sexual harassment brought to the Library's attention will be promptly investigated in a confidential manner so as to protect the privacy of the persons involved. Confidentiality will be maintained throughout the investigation to the extent practical and appropriate under the circumstances.

2. Investigation Process

In pursuing the investigation, the person to whom the complaint has been made will try to take the wishes of the complainant under consideration, but will thoroughly investigate the matter as he/she sees fit, keeping the complainant informed as to the status. Steps to be taken shall include:

- Ascertain all facts that explain what happened
 - Determine frequency/type of alleged harassment and, if possible, dates and location.
 - Determine if there were witnesses.
 - Ask the individual how he/she responded to the alleged harassment.
 - Determine an understanding of the professional relationship and amount of interaction between the alleged harasser and the complainant.
-
- Determine whether the alleged harasser has carried out any threats or promises directed to the complainant.
 - Ask the complainant what action he/she would like the Library to take.

Resolving the Complaint

Upon completion of the investigation, the Library will communicate the findings and intended actions to the complainant and the alleged harasser.

If it is found that harassment has occurred, the harasser will be subject to appropriate disciplinary action as listed below.

If it is determined that no sexual harassment has occurred, the finding will be communicated to the complainant.

1. Sanctions

Individuals found to have engaged in sexual harassment will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Board of Trustees. Sanctions may include referral to counseling, reassignment, temporary suspension without pay, or termination.

Although the Library's ability to discipline a non-employee harasser is limited, an employee who has been subjected to sexual harassment by a non-employee should file a complaint and appropriate action will be taken.

2. False Accusations

If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.

3. Appeals Process

If either party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual may appeal the decision. Written comments should be submitted in a timely manner to the Library Manager or Board of Trustees.

Maintaining a Written Record

The Library shall maintain a written record of each complaint and how it was investigated and resolved. Written records shall be maintained in a confidential manner in the Library Manager's office. Written records will be maintained for 3 years from the date of resolution unless new circumstances dictate that the file should be kept for a longer time.

Legal Protections And External Remedies

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

Aside from the internal process at **Oxford Memorial Library**, employees may also choose to pursue legal remedies with the following governmental 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.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

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.

Complaints with DHR may be filed any time **within one year (three years beginning Aug. 12, 2020)** 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 sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to **Oxford Memorial 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment 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 of 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. You may call (718) 741-8400 or visit: 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.

Civil Rights Act of 1964

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.). 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work 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 (TTY: 1-800-669-6820), 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. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

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.

Conclusion

This policy has been developed by the Library and approved by the Board of Trustees to ensure that all employees can work in an environment free from sexual harassment. The Library believes that each problem can be minimized by prompt, confidential and complete investigations. The Library will make every effort to ensure that staff are familiar with the policy.

Revised and approved by the Oxford Memorial Library Board of Trustees on January 9, 2020.
Matt Voce, Bill Troxell, Bill Brower, Fred Lanfear, Christine Gregoire, Jodi Cary, Julia Bogardus.

OXFORD MEMORIAL LIBRARY

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to The Library Director, first in chain of command, then the library board of trustees' president. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name:

Work Address:

Work Phone:

Job Title:

Email:

Select Preferred Communication Method:

Email Phone In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION

1. Your complaint of Sexual Harassment is made about:

Name:

Title:

Work Address:

Work Phone:

Relationship to you: Supervisor Subordinate Co-Worker Other

2. Please describe what happened and how it is affecting you and your work. 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 who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: _____ Date: _____

Instructions for Employers

If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.

An investigation involves:

- Speaking with the employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.