

OSSINING PUBLIC LIBRARY
SEXUAL HARASSMENT PREVENTION POLICY

Introduction

The Ossining Public Library is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Sexual Harassment Prevention Policy ("Policy") is one component of the Ossining Public Library's commitment to a discrimination-free work environment. Another component is sexual harassment prevention training provided by the Library on an annual basis.

Policy:

1. This Policy applies to all employees, elected and/or appointed officials, and applicants for employment. It also applies to individuals who are not employees of the Ossining Public Library but are employees of contractors, subcontractors, vendors, consultants, volunteers, and other persons who provide services in the Ossining Public Library workplace, such as interns and temporary employees.
2. Sexual harassment is not tolerated by Ossining Public Library and is prohibited by this Policy. This Policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy. Where applicable, such discipline shall be in accordance with any statutory rights and/or collective bargaining agreement protections to which the individual may be entitled.
3. No person covered by this Policy shall be subject to adverse employment action because he/she/they makes a good faith report of an incident of sexual harassment, or provides information, or otherwise participates in an investigation of a sexual harassment complaint. Any person covered by this Policy, who retaliates against anyone for reporting sexual harassment or for participating in a sexual harassment investigation, is in violation of this Policy and subject to corrective or disciplinary action.
4. The Ossining Public Library will conduct a prompt, thorough, impartial, and appropriate investigation, consistent with this Policy, in response to any complaint about sexual harassment. The Ossining Public Library will also investigate other instances of potential sexual harassment that come to the Library's attention. The Ossining Public Library will take appropriate corrective action whenever sexual harassment is found to have occurred. All employees, including but not limited to department heads and supervisors, are required to cooperate with any internal investigation of sexual harassment conducted by the Ossining Public Library.

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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, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct which is 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 a hostile 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.
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment; or
- Such conduct has the purpose or effect of subjecting an individual to inferior terms, conditions, or privileges of employment.

A sexually harassing hostile work environment can consist of unwelcome advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual’s sex, where the conduct is more than what a reasonable person would consider a petty slight or trivial inconvenience and alters the terms of employment for the individual subject to the harassment. It makes no difference if the individual engaging in such conduct is “just joking” or “teasing” or “playful.”

Sexual harassment can also occur 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.

Examples of Sexual Harassment

The following is a non-exhaustive list of some of the types of acts that may constitute sexual harassment:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body, or poking another employee’s body.
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions.
- Sexually oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality or sexual experience.

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- Written conduct such as authoring threatening, derogatory or offensive letters, e-mails, text messages, or social media posts.
- 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 sexual displays on computers, tablets, cell phones or any other devices in the workplace.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or the status of being transgender.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassers can be a superior, a subordinate, an elected and/or appointed official, a coworker or anyone else in the workplace, including an independent contractor, contract worker, vendor, or visitor.

Where can sexual harassment occur?

Prohibited sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside of work, i.e., not in the workplace. Calls, texts, emails, and social media usage containing inappropriate messages, language, pictures, videos, or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.

What is “Retaliation”?

Retaliation includes any conduct, whether in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this Policy, filing a harassment complaint, participating in an investigation, or proceeding of such a report or complaint, or encouraging a fellow employee to make a report. Even if the alleged harassment does not turn out to rise to the level of a violation of the law or this Policy, the individual is protected from retaliation if the person had a good faith belief that what was complained about was unlawful or a violation of this Policy. However, the retaliation provision is not intended to protect persons making intentionally false charges of sexual harassment. Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law.

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Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility.

The Ossining Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other person covered by this Policy, who has been subjected to behavior that may constitute sexual harassment, is encouraged to report such behavior to a supervisor, department head, Library Director. If the Library Director is the subject of the complaint, the Library encourages reporting it to the President of the Board of Trustees of the Ossining Public Library. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, department head, Library Director, or the President of the Board of Trustees if the Library Director is the one engaging in the potential sexually harassing conduct. If possible, the employee or witness should tell the alleged harasser that his/her/their actions are not welcome and must stop immediately.

If an employee makes a report to his/her/their supervisor or department head and believes the supervisor or department head is not taking appropriate action, the employee should report this inaction to the Library Director, or the President of the Board of Trustees in the case where the Library Director is the subject of the complaint or is the person who is suspected of not taking appropriate action. If an employee believes that his/her/their supervisor or department head violated this Policy, then the employee should report the matter to a higher-level department head or supervisor, to the Library Director, or to the President of the Board of Trustees in the case where the Library Director is the subject of the complaint.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all individuals are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the harassment. Individuals who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person's behalf.

Supervisory Responsibilities

Any supervisor or department head who receives a complaint or information about suspected sexual harassment or observes conduct that may be sexually harassing behavior or otherwise learns of such conduct, ***is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Library Director or the President of the Board of Trustees if the Library Director is the subject of the complaint.***

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

Investigation of Sexual Harassment

All reports, complaints, or other 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 and thorough manner commensurate with the nature of the complaint and will be confidential to the extent possible.

In conducting an appropriate and impartial investigation, the Ossining Public Library procedures will include the following: the Ossining Public Library will conduct a review of the allegations and where appropriate put interim measures in place for the investigation; the individual bringing the complaint, and the alleged victim if that person is not the complainant, will each be given an opportunity to present their version of events and any relevant evidence to the investigator; anyone who is the subject of a harassment complaint will be given notice of the allegations against them and an opportunity to present their version of events and any relevant evidence to the investigator. The investigation may also include reviewing relevant documentation and other available evidence, and interviewing other individuals identified as witnesses to the alleged harassment or who may otherwise have information relevant to the allegations being investigated. The Ossining Public Library may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

All employees and other individuals covered under this Policy are required to cooperate, as needed, in an investigation of suspected sexual harassment, and are required to provide truthful and complete answers to questions asked of them by the investigator. Employees and other individuals who participate in an investigation of sexual harassment under this Policy are protected from retaliation.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible, to protect the privacy of those involved in the investigation and to allow the Ossining Public Library to conduct an objective and appropriate investigation.

If the Ossining Public Library determines that this Policy has been violated, in a timely manner it will take effective disciplinary or other corrective action commensurate with the circumstances. Any employee who has been found by the Ossining Public Library to have harassed another individual in violation of this policy will be subject to disciplinary or other corrective action, up to and including termination where appropriate in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. If it is concluded that a non-employee has subjected an employee or other person protected by

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this Policy to conduct in violation of this Policy, prompt and effective corrective action will be taken to stop the harassment and deter any future sexual harassment.

The Ossining Public Library will notify the individual who was subject to the reported conduct, the person who filed the complaint, and the victim of the harassment (if the victim is not the individual who made the complaint) of the conclusion of its investigation and will follow up with that individual as appropriate under the circumstances.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Ossining Public Library but is also prohibited by state, federal, and local law. In addition to the procedures described in this Policy, if the sexual harassment involves potential criminal conduct such as physical touching, coerced physical confinement or coerced sex acts, it may be appropriate to report such conduct to the local police department. Individuals may choose to pursue legal remedies with the following governmental entities:

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, §290 *et seq.*, which prohibits sexual harassment in employment in New York State, and protects employees, and other individuals working in an employer's workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court subject to a three-year statute of limitations. If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys' fees, and civil fines. The DHR can be contacted at (888) 392-3644, its confidential hotline (800) HARASS-3 (800-427-2773) or at www.dhr.ny.gov.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e *et seq.*). A sexual harassment complaint can be filed with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints and may pursue a claim in federal court on behalf of the complaining party or issue a Notice of Right to Sue that allows an individual to pursue his/her/their claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at their website www.eeoc.gov.

Many localities enforce laws protecting individuals from sexual harassment and discrimination. For example, the Westchester County Human Rights Law (Chapter 700 of the Administrative Code of Westchester County), which is enforced by the Westchester County Human Rights Commission (<https://humanrights.westchestergov.com/>) provides protections to individuals who work within Westchester County and may award relief if unlawful discrimination is found to have occurred.

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Other Types of Harassment

The Ossining Public Library also prohibits discrimination or harassment on the basis of race, color, creed, ethnicity, disability, religion, national origin, military status, age, arrest record, veteran status, marital status, familial status, domestic violence victim status, criminal history, citizenship, predisposing genetic characteristics, genetic information, or any other category protected by law. For more information, see the Employee Handbook.

Questions

If you have any questions about this Policy, please contact the Library Director. Questions about this Policy will be treated as confidential to the extent practicable

Board of Trustees, Adopted: October 15, 2018.

Revisions approved by the Board of Trustees, November 14, 2022