

HARVEY PUBLIC LIBRARY DISTRICT SEXUAL HARASSMENT POLICY

Harassment Free Working Environment

It is the policy of the Board of Library Trustees of the Harvey Public Library District that all employees have a right to have a working environment free of sexual harassment and where each employee feels respected, valued and comfortable. Sexual harassment in the workplace means and includes unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, non-physical or visual conduct of a sexual nature when:

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

For purposes of this Policy, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties and the prohibition of harassment does not require an employment relationship.

Any employee who either observes or believes that he or she is being subjected to or is the object of sexual harassment is urged to immediately report such conduct to the Administration in accordance with the Sexual Harassment Reporting Procedure.

Library Employee/Patron Relationship

The Board affirms its commitment to ensuring an environment for all patrons free of sexual harassment. The Board views sexual harassment of patrons by Library employees as an abuse of authority and, therefore, such harassment will not be tolerated.

Sexual harassment of a patron by a Library employee means:

- Any sexual advance by an employee toward a patron,
- Any request by an employee to a patron for sexual favors,
- Any acceptance by an employee of a sexual advance or request for sexual favors from a patron, or

- Any conduct of a sexual nature by an employee directed toward a patron when (i) the patron's submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a patron's participation in any library-sponsored activity, or (ii) such conduct has the purpose or effect on a patron of reasonable sensibilities, of creating an intimidating, hostile, or offensive library environment for the patron.

Any patron who suspects that she or he has encountered sexual harassment should report the incident to the Library Director or, if not immediately available, to her as soon as possible. Any employee who witnesses or has knowledge of sexual harassment by a Library employee against a patron shall immediately report it to their immediate supervisor or the Library Director.

Examples

Sexual harassment prohibited by this Policy includes verbal, non-verbal, or physical conduct. The terms "intimidating," "hostile," or "offensive" as used above include conduct which has the effect of humiliation, embarrassment, or discomfort.

Examples of verbal sexual harassment include: explicit sexual propositions, sexual innuendos, suggestive comments, insults of a sexual nature, humor and jokes about sex, anatomy or gender-specific traits, threats, repeated requests for dates, or statements about other employees, even outside of their presence, of a sexual nature, or use of sexually oriented "kidding" or "teasing."

Examples of non-verbal sexual harassment include: suggestive or insulting sounds, leering, whistling, foul or obscene gestures, sexually suggestive bodily gestures, "catcalls", "smacking" or "kissing" noises, "sexting" (electronically sending messages with sexual content, including pictures and videos), cyber stalking and threats via all forms of electronic communication (such as e-mail, text, picture or video messages, on-line postings, blogs, instant messages and social network websites like Facebook and Twitter), display of pornography, or other foul or obscene or inappropriate printed or visual material.

Examples of physical sexual harassment include: sexual touching, unwelcome hugging or kissing, patting or pinching of a sexual nature, brushing the body, any coerced sexual intercourse or act, or actual assault.

Examples of visual sexual harassment include: posters, signs, pin-ups or slogans of a sexual nature, viewing pornographic material or websites.

The Harvey Public Library District strongly opposes sexual harassment in any form.

Duty to Report Sexual Harassment by Patrons Upon Fellow Patrons

All Library employees have the affirmative duty to report incidents of sexual harassment perpetrated by patrons upon fellow patrons, whether witnessed firsthand or reported to them. Such incidents must be reported to their immediate supervisor or the Library Director.

Reporting Procedure

The following procedure shall be used by any patron or employee who suspects that he or she has been subjected to sexual harassment.

Step 1:

- **Reporting by Patrons:** Any patron who suspects that he or she is the victim of sexual harassment by a Library employee or a fellow patron should report it to the Library Director as soon as possible.
- **Reporting by Employees:** A complaint by a Library employee that sexual harassment has occurred shall first be presented to either the employee's immediate supervisor or the Library Director. If the supervisor or Library Director is the subject of the complaint, then the complaint should be presented to the President of the Board.

Step 2:

- If the alleged perpetrator of sexual harassment is a Library patron, the normal disciplinary procedures prescribed in the Library's Patron Code/Rules of Conduct should be followed. In all other cases, the Library Director shall meet with the complainant within three (3) days of receiving the complaint to discuss the allegations. If the complainant chooses to have a representative, then the Library Director may also have a representative; such meeting, however, shall be informal. The Library Director shall issue a written decision within five (5) days of the meeting.

Step 3:

- If the complainant is not satisfied with the Library Director's decision, within five (5) days of the date of that decision, an appeal may be taken to the Board President or his or her designee (hereinafter, the words "Board President" shall include such designee).
- The appeal shall be in writing and shall state the reasons for appealing the Library Director's decision. Within five (5) days of receiving the appeal, the Board President shall meet with the complainant, any representatives, and the Library Director to resolve the matter. The Board President shall issue a written decision within ten (10) days of this meeting. Any employee found to have sexually harassed a patron or another employee, or retaliated against a patron or employee who alleges sexual harassment, will be subject to discipline up to and including immediate discharge.

Step 4:

- If the complainant is not satisfied with the Board President's decision, then within ten (10) days, an appeal of that decision may be made to the entire Board of Library Trustees. Such an appeal shall be instituted by filing with the Secretary of the Board a statement setting forth the reasons for the appeal. Within twenty (20) days of receiving an appeal, the Board

or a committee thereof shall meet with the complainant, the Library Director, and any representatives to discuss the allegations of discrimination. The hearing with the Board shall be informal, however, the complainant and the administration may present evidence, call, and cross-examine witnesses. The Board may ask questions of the complainant, the administration, and any witnesses. The rules of evidence shall not apply; however, hearsay evidence shall not be presented for proof of any ultimate facts.

- Within ten (10) days after the hearing, the Board shall issue its written decision.
- All hearings shall be held in private and at times convenient for the parties. In the event that the person designated to hear a complaint is the alleged offender, then the employee may immediately move to the next step of the procedure. At any step, the person hearing the complaint may conduct or direct such investigation as they deem appropriate, including obtaining a response from the alleged offender. There shall be no harassment or retaliation by any person involved in the process for any reason.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with reasonable investigation practices and the application of corrective action. The Library District may need to disclose certain information when necessary to protect the interests of the Library District, its employees and the public.

Violations and Consequences

An employee who violates this Policy will be subject to disciplinary action, up to and including immediate discharge. A non-employee patron who violates this Policy will be subject to a suspension or revocation of library privileges or services. Each case will be reviewed on an individual basis.

False Reports

Malicious, false or misleading accusations, charges or statements of harassment made by an employee or by a non-employee patron relative to the investigation or report of harassment will be treated as a violation of this Policy and will be subject to the same consequences.

Retaliation

It is a violation of this Policy to retaliate or to take reprisal in any way against any person who has reasonably and in good faith opposed sexual harassment or articulated any concern about sexual harassment or to discrimination against such person opposing sexual harassment or articulating any such concern about sexual harassment.

It is also a violation of this Policy to retaliate or to take reprisal in any way against any person who has reasonably and in good faith testified, assisted or participated in any investigation, proceeding or hearing concerning any sexual harassment claim or charge or to discrimination against such person.

Such persons also have the availability of whistleblower protections under the Illinois State Officials and Employees Ethics Act, 5 ILCS 430/1-1, et. al., the Illinois Whistleblower Act, 740 ILCS 174/1, et. al., and the Illinois Human Rights Act, 775 ILCS 5/1-101, et. al.

Legal Recourse, Investigative, And Complaint Process Available Through the Illinois Department of Human Rights and Human Rights Commission

Any Library employee or patron may also use the legal recourse, investigative, and complaint process through the Illinois Department of Human Rights and the Illinois Human Rights Commission.

The address and telephone numbers are:

Springfield Office:

Illinois Department of Human Rights
222 S. College, Room 101-A
Springfield, Illinois 62704
(217) 785-5100

Chicago Office:

Illinois Department of Human Rights
100 West Randolph Street, 10th Floor
Chicago, Illinois 60601
(312) 814-6200

Springfield Office:

Illinois Human Rights Commission
William G. Stratton Office Building
401 S. Spring Street, Suite 802
Springfield, Illinois 62706
(217) 785-4350

Chicago Office:

Illinois Human Rights Commission
James R. Thompson Center
100 West Randolph Street, Suite 5-100
Chicago, Illinois 60601
(312) 814-6269

As amended, 12/14/17