

# **BANCROFT PUBLIC LIBRARY**

## **ANTI-HARASSMENT POLICY**

### **ALL UNLAWFUL HARASSMENT PROHIBITED**

Bancroft Public Library strictly prohibits and does not tolerate unlawful harassment against employees or any other covered persons [including volunteers] because of race, religion, creed, national origin, ancestry, sex (including pregnancy), gender (including gender nonconformity and status as a transgender or transsexual individual), age (18 and over), physical or mental disability, citizenship, genetic information, past, current or prospective service in the uniformed services, marital status or any other characteristic protected under applicable federal, state or local law.

### **SEXUAL HARASSMENT**

All Bancroft Public Library employees, other workers and representatives (including customers and visitors) are prohibited from harassing employees and other covered persons based on that individual's sex or gender (including pregnancy and status as a transgender or transsexual individual) and regardless of the harasser's sex or gender.

Sexual harassment means any harassment based on someone's sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual's sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to the advance, request or conduct is made either explicitly or implicitly a term or condition of employment.
- Submission to or rejection of the advance, request or conduct is used as a basis for employment decisions.
- Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee's work performance by creating an intimidating, hostile or offensive work environment.

Bancroft Public Library will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually-related comments or jokes, unwelcome sexual advances or requests for sexual favors).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying sexually suggestive posters cartoons or drawings, sending inappropriate adult-themed gifts, leering or making sexual gestures).

This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated.

Harassment is prohibited both at the workplace and at employer-sponsored events.

### **OTHER TYPES OF HARASSMENT**

Bancroft Public Library's anti-harassment policy applies equally to harassment based on an employee's race, religion, creed, national origin, ancestry, age (40 and over), physical or mental disability, citizenship, genetic information, past, present or prospective service in the uniformed services, marital status or any other characteristic protected under applicable federal, state or local law.

Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments or jokes).
- Physical (for example, assault or inappropriate physical contact).
- Visual (for example, displaying derogatory posters, cartoons, drawings or making derogatory gestures).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated.

Harassment is prohibited both at the workplace and at employer-sponsored events.

### **WHEN TO REPORT A VIOLATION**

Preventing sexual harassment is everyone's responsibility. Bancroft Public Library cannot prevent or remedy sexual harassment unless it knows about it.

If you are subjected to any conduct that you believe violates this policy, you are encouraged to report any harassment or behaviors to the Library Director or, if the conduct involves the Library Director, the Bancroft Public Library Board of Trustees, ideally within ten (10) days of the offending conduct. Reporting the violation constitutes filing a complaint under this policy, which complaint will be handled pursuant to the following section titled "Complaint Procedure".

Additionally, any employee who observes conduct in violation of this policy must report the conduct to the Library Director so that an investigation can be made and corrective action taken, if appropriate.

### **COMPLAINT PROCEDURE**

Please see the preceding section title "When to Report a Violation" to determine when a violation should be reported.

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 employees and volunteers are encouraged to use this complaint form. Employees and volunteers who are reporting sexual harassment on behalf of other employees or volunteers should use the complaint form and note that it is on another employee's or volunteer's behalf.

Your complaint should be as detailed as possible, including the names of all individuals involved and any witnesses. Bancroft Public Library will directly and thoroughly investigate complaints of harassment and will take prompt corrective action, including verbal and written warnings, reprimand, suspension or possible termination of employment. Bancroft Public Library reserves the right to contact law enforcement, if appropriate.

The alleged harassment investigation will be handled by the Bancroft Public Library Director or Bancroft Public Library Board of Trustees in a confidential manner, to protect the privacy of the individuals involved.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- Upon receipt of complaint, the Library Director or Board of Trustees will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the verbal reporting.
- If documents, emails or phone records are relevant to the investigation, 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 basis for the decision and final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If you have not received a satisfactory response to your complaint within five (5) days after reporting any incident of what you perceive to be a violation of this policy, please immediately contact the Library Director.

### **NO RETALIATION**

No one will be subject to, and Bancroft Public Library prohibits, any form of discipline, reprisal, intimidation or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim or cooperating in related investigations.

Bancroft Public Library is committed to enforcing this policy against all forms of harassment. However, the effectiveness of our efforts depends largely on employees and volunteers telling us about inappropriate workplace conduct. If employees or volunteers feel that they or someone else may have been subjected to conduct that violates this policy, they should report it immediately. If employees or volunteers do not report harassing conduct, Bancroft Public Library may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

### **VIOLATIONS OF THIS POLICY**

Any employee, regardless of position or title, whom the Library Director or the Board of Trustees determines has subjected an individual to harassment or retaliation in violation of this policy, will be subject to discipline, up to and including termination of employment.

If upon completion of the investigation it is determined that there was no harassment or violation of this policy, then the employee or volunteer making the claim will be informed. If the individual who asserted the claim of harassment is found to have falsely accused another individual, then that person will be subject to appropriate sanctions, including termination.

### **LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

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

Aside from the internal process at Bancroft Public 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 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 Bancroft Public 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](http://www.dhr.ny.gov).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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 antidiscrimination 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](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto: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, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit [www.nyc.gov/html/cchr/html/home/home.shtml](http://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.

**Adopted:** November 6, 2018

**Reaffirmed:** May 10, 2022