

# Jordan Bramley Library Policy: Sexual Harassment Prevention

## Sexual Harassment is Prohibited

The Jordan Bramley Library is committed to providing a positive working environment where employees and visitors are treated with respect, dignity, and fairness. This includes maintaining a workplace free from sexual harassment. Sexual harassment is unlawful and subjects the Jordan Bramley Library to liability. Any possible sexual harassment will be investigated whenever management receives a complaint or otherwise knows of possible sexual harassment occurring. Any employee who engages in sexual harassment will be subject to disciplinary action. Any employees who knowingly allow sexual harassment to continue will also be subject to disciplinary action.

## What Is Sexual Harassment?

Sexual harassment in the form of a “hostile 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 any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient’s job performance.

A type of sexual harassment known as “quid pro quo” harassment 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. Only supervisors and managers are deemed to engage in this kind of harassment, because co-workers do not have the authority to grant or withhold benefits.

Sexual harassment can occur between males and females, or between persons of the same sex. Sexual harassment that occurs because the victim is transgender is also unlawful.

A single incident of inappropriate sexual behavior may be enough to rise to the level of sexual harassment, depending on the severity of such incident. The law requires that the behavior be severe or pervasive, so that one joke or comment may not be enough to be sexual harassment. However, the courts have held that a single incident could be considered sexual harassment, depending on the circumstances.

## Examples of Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when:

- 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 unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment.

The following describes some of the types of acts that may be unlawful sexual harassment:

- Physical assaults of a sexual nature, such as:
  - Rape, sexual battery, molestation, or attempts to commit these assaults.
  - Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employees' body.
- Unwanted sexual advances, propositions or other sexual comments, 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 experience which are sufficiently severe or pervasive to 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.

## Laws Against Sexual Harassment

Sex discrimination is unlawful pursuant to the New York Human Rights Law § 296.1, and the federal Civil Rights Act of 1964, Title VII.

## Employees Encouraged to Report Sexual Harassment

The Jordan Bramley Library wants to maintain a positive and safe environment where everyone is treated with respect and dignity, so employees are encouraged to report any incidents of sexual harassment. Retaliation against anyone reporting sexual harassment or assisting in an investigation is unlawful and will not be tolerated.

Any incidents of sexual harassment should be reported immediately to any employee of the Jordan Bramley Library. Employees should report to a member of the board of trustees if their director is involved in the harassment. Use the form found at the end of this document to report sexual harassment. The director or a trustee can help you to complete the form if needed.

## Investigation Procedure

Any complaints of sexual harassment will be investigated in a timely manner by the library director. Employees are required to cooperate with harassment investigations. The Jordan

Bramley Library Director will take the following steps to investigate any accusations of sexual harassment:

1. Maintain confidentiality as much as possible but some information will need to be revealed to the accused and witnesses in order to conduct a complete investigation.
2. Take action immediately to stop any ongoing harassment. This could include steps such as re-assigning work, changing schedules, or putting an employee on temporary leave.
3. Interview the person making the complaint, any witnesses, and the person accused of harassment. Keep a written record of each interview.
4. Review any other available evidence.
5. Summarize the case and keep the board of trustees informed.
6. Choose the appropriate action(s) to take in response to the reported incident and completed investigation, including carrying out any disciplinary actions.
7. Make and retain a record of the incident and any actions taken.

## Supervisors and Management Required to Report Sexual Harassment

Library personnel are required to report any complaints of sexual harassment that they receive or any harassment that they observe. Failure on the part of any employee to report sexual harassment could result in disciplinary action. The Jordan Bramley Library is committed to preventing sexual harassment and forcefully stopping it when it occurs.

## References

- Guidance on Sexual Harassment for All Employers in New York State, a publication of the New York State Division of Human Rights. Available for download at: <https://dhr.ny.gov/sites/default/files/pdf/guidance-sexual-harassment-employers.pdf>.

## Jordan Bramley Library Harassment Complaint Form

Today's Date: \_\_\_\_\_

Name of the person making the complaint: \_\_\_\_\_

Name of the accused harasser: \_\_\_\_\_

Department: \_\_\_\_\_ Date of Incident: \_\_\_\_\_

Where did the specific event occur?

Please explain the events that occurred, in detail:

How did you react to the situation? Did you take any action to stop the inappropriate behavior?

Please provide the names of any witnesses to this specific event:

Please describe or attach a copy of any physical evidence that supports your complaint:

What is your desired outcome of the investigation?

The information provided in this complaint is true and correct to the best of my knowledge. I am willing to cooperate fully in the investigation of my complaint and provide whatever evidence the Jordan Bramley Library requires.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Please return this form to the Jordan Bramley Library.