

POLICY ON HARASSMENT, DISCRIMINATION, AND EQUAL EMPLOYMENT OPPORTUNITY

Replaces October 2016

I. Equal Employment Opportunity

The Yonkers Public Library (Library) is an equal opportunity employer that does not discriminate on the basis of race, color, creed, age, national origin, alien or citizenship status, religion, gender (Including gender identity), sexual orientation, disability, arrest or conviction record, marital status, military status, partnership status, or status as a victim of domestic violence, stalking or sex offenses, genetic information or any other characteristic protected by federal, state or local law. Our management team is dedicated to ensuring the fulfillment of this policy in hiring, placement, selection for training, promotion, transfer, demotion, layoff, termination, recruitment, advertising, rates of pay or any other forms of compensation and general treatment during employment.

II. Policy Statement; Harassment and Discrimination

The Library does not tolerate sexual harassment or any form of harassment of any employee, job applicant, contractor or intern whether paid or unpaid (collectively “employees”), by any employee, including managers, supervisors and/or co-workers, or by non-employees such as vendors, patrons or Trustees. Anyone engaging in such conduct not only exposes the Library to legal liability, but the perpetrator may also be personally liable for his or her conduct. This Policy applies to all applicants and employees in every aspect of employment and prohibits harassment, discrimination and retaliation, whether engaged in by co-workers, supervisors or non-employees.

The Library requires all employees to comply with this Policy and contribute to maintaining a workplace that is free of discrimination and harassment. Therefore, if you witness or otherwise become aware of sexual or other harassment or unlawful discrimination, you have an obligation to report the behavior, even if it was not directed at you.

Supervisors, managers and anyone with supervisory oversight of any other employees are obligated to immediately report sexual harassment or any other form of harassment as soon as they become aware of it, no matter who reported the behavior, and even if no one has complained about the behavior. Supervisors or managers who fail to report harassment will be subject to discipline.

Conduct prohibited by this Policy is unacceptable in the workplace and in any work-related setting outside the workplace, including but not limited to during work-related meetings, travel and social events or over electronic communication such as email, text or online. Misconduct under this policy will result in appropriate disciplinary action against the perpetrator or the manager or supervisor who fails to report the misconduct.

III. Prohibition of Sexual Harassment

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct based on gender or of a sexual nature, when:

- Submission to such conduct or communication is either explicitly or implicitly made a term or condition of an individual's employment (quid pro quo); or
- Submission to or rejection of such conduct or communication by an individual is used as a basis for employment decisions affecting such individual (quid pro quo); or
- Such conduct or communication has the purpose or effect of unreasonably interfering with an individual's work performance or creates and/or perpetuates an intimidating, hostile, or offensive work environment (hostile work environment).

Sexual Harassment is unlawful gender discrimination under federal, state and local laws.

Sexual harassment may be based on a person's gender, sexual orientation, or gender identity or expression. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different genders.

Some examples of sexual harassment that violate the Library policy include:

- Unwelcome touching, such as rubbing or massaging someone's neck or shoulders, stroking someone's hair, or brushing against another's body.
- Sexually suggestive touching.
- Grabbing, groping, kissing, fondling.
- Violating someone's "personal space."
- Whistling in an inappropriate manner.
- Lewd, off-color, sexually oriented comments or jokes.
- Foul or obscene language.
- Leering, staring or stalking.
- Suggestive or sexually explicit posters, calendars, photographs, graffiti or cartoons.
- Unwanted or offensive letters or poems.
- Sitting or gesturing sexually.
- Offensive email, text messages, instant messages or voice-mail messages.
- Sexually-oriented or explicit remarks, including written or verbal references to sexual conduct, gossip regarding one's sex life, body, sexual activities, deficiencies or prowess.
- Questions or offering unsolicited information about one's sex life or experiences.
- Repeated requests for dates after having been turned down.
- Requests or suggestions of sexual favors in return for employment rewards, or threats if sexual favors are not provided.
- Sexual assault or rape.
- Excluding, undermining, demeaning, insulting, or denying resources to someone based on their gender, sexual orientation, or gender identity or expression.

- Any other conduct or behavior deemed inappropriate under the circumstances by the Library.

IV. Other Harassment Prohibited

Harassment or discrimination on the basis of any other characteristic protected by applicable law is also strictly prohibited. Under this Policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion, or results in adverse action against an individual because of his/her race, color, creed, age, national origin, alien or citizenship status, religion, gender (Including gender identity), sexual orientation, disability, arrest or conviction record, marital status, military status, partnership status, or status as a victim of domestic violence, stalking or sex offenses, genetic information or any other characteristic protected by federal, state or local law and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Some examples of harassment that violate the Library policy include:

- Verbal conduct such as racial or ethnic epithets, derogatory jokes, comments, slurs, invitations or comments related to a protected characteristic.
- Visual conduct such as racially derogatory posters, photography, e-mail, cartoons, drawings or gestures that are degrading because of a protected characteristic.
- Physical conduct such as assault, unwanted touching, blocking of normal movement or interference with one's work, where such conduct is directed at a person because of a protected characteristic.
- Cyber-harassment using electronic communication, including e-mail, instant messaging (IM), chat, or messages posted to a website, blog, social media platform or discussion group or any other form of electronic communication..

V. Reporting Discrimination and Harassment

If you experience sexual harassment, gender discrimination, or any job-related discrimination or harassment based on your race, color, creed, age, national origin, alien or citizenship status, religion, gender (Including gender identity), sexual orientation, disability, arrest or conviction record, marital status, military status, partnership status, or status as a victim of domestic violence, stalking or sex offenses, genetic information or any other characteristic protected by federal, state or local law, or if you believe you have been treated in an unlawful, discriminatory and/or retaliatory manner, **you should promptly report the incident.**

You may submit a verbal or written complaint. You may use the attached complaint form and submit it to the Director. You may also use this form to report harassment committed against someone else. If your complaint involves the Director, or you are otherwise uncomfortable reporting the matter to the Director, you should report the issue directly to the Deputy Director,

your manager, supervisor or any other manager or supervisor. Any manager or supervisor who becomes aware that such discrimination, harassment, retaliation and/or other unlawful employment practice is taking place in the workplace is required to follow this reporting procedure immediately.

VI. Investigations

The Library takes complaints of discrimination and harassment very seriously. Such behavior is not tolerated. Every report of perceived discrimination, harassment, and/or retaliation will be timely and fully investigated in a manner that ensures due process for all parties. Investigations will be conducted confidentially to the extent possible. Investigations may include speaking to the parties and witnesses and reviewing potentially relevant documents, emails, or other electronic communications. All employees, including managers and supervisors, are required to cooperate with and participate with any such investigation about which they may be able to provide relevant information. Refusal to cooperate may lead to discipline. Investigations will be completed as expeditiously as possible. The person(s) making the complaint and the person(s) against whom the complaint was made will be notified of the determination of the investigation. The person(s) making the complaint may also seek administrative or legal recourse as outlined below.

VII. Retaliation is Prohibited

Retaliation is any adverse action that would reasonably prevent an employee from coming forward with a complaint about sexual harassment, harassment or discrimination. Adverse action does not have to be job related or occur in the workplace to be considered unlawful retaliation (for example, threats of physical violence outside of the workplace.) Retaliation is prohibited by this Policy and by local, state, and federal law. Retaliation against an individual for reporting or opposing harassment, discrimination, retaliation or other unlawful employment practice, or for testifying, supporting or participating in an investigation into such a claim, is a serious violation of this Policy and will not be tolerated.

Anyone who believes they have been subjected to retaliation, or who witnesses or otherwise becomes aware of retaliation should report it just as they would report discrimination or harassment.

Neither this Policy nor the law protects intentionally false claims of harassment or retaliation.

VIII. Appropriate Response and Disciplinary Action

Misconduct constituting harassment, sexual harassment, discrimination or retaliation will be dealt with promptly and appropriately. Response may include, for example, training, counseling, monitoring of the offender and/or disciplinary action consistent with the Library disciplinary policy, including termination of employment. These actions will be taken as the Library deems appropriate under the circumstances.

IX. Other Resources

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. Section 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. A complaint may be filed with the EEOC by calling 1-800-669-4000 or visiting eeoc.gov.

The New York State 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. Complaints with the New York State Division of Human Rights (“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 the 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. Individuals may also file a complaint with the New York State Division of Human Rights by calling 888-392-3644 or visiting dhr.ny.gov.

If you believe you have been subjected to unlawful conduct, you may also have the right to file a lawsuit in federal or state court.

If the harassment involves unwanted physical contact, coerced physical confinement, or coerced sex acts, the conduct may be a crime for which you may contact the local police department.



Complaint Form for Reporting Sexual Harassment

If you believe that you have been subjected to discrimination or harassment of any nature (including sexual harassment) prohibited by the Library’s policies, including its Policy on Harassment, Discrimination, and Equal Employment Opportunity (the ‘Policy”), or retaliatory conduct, you are encouraged to complete this Form and submit it to the Director. Once you submit this form, the Library will follow the Policy and investigate any claims.

If you are more comfortable reporting verbally or in another manner, the Library will still investigate the claim as outlined in the Policy.

RETALIATION PROHIBITED

The Library prohibits retaliation of any kind for filing a complaint or coming forward as a witness to discrimination, harassment or other misconduct. Anyone who believes they have been subjected to retaliation, or who witnesses or otherwise becomes aware of retaliation, should report it just as they would report discrimination or harassment.

COMPLAINANT INFORMATION

Name: _____ Home/Mobile Phone: _____

Home Address:

Job Title: _____ Email: _____

Select Preferred Communication Method: US Mail Email Phone Text In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____ Title: _____

Work Address/Branch: _____ Work Phone/Ext: _____

My Supervisor IS IS NOT aware of this complaint

COMPLAINT INFORMATION

1. Your complaint of Discrimination/Harassment/Retaliation is made against:

Name: _____ Title: _____

Work Location/Branch: _____ Work Phone/Ext: _____

Relationship to you: Supervisor Subordinate Co-Worker Volunteer Patron
 Vendor Other (explain) _____

2. Please describe the conduct or incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is prohibited under the Library's policies. Use additional sheets of paper if necessary and attach any relevant documents or evidence:

3. Date(s) discrimination/harassment/retaliation occurred:

Is the behavior described above 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 following questions are optional, but may help facilitate the investigation.

5. Have you previously complained or provided information (verbal or written) about discrimination/harassment/retaliation at the Library? If yes, when and to whom did you complain or provide information?

Employees that file complaints with their employer might have the ability to get help or file claims with other entities including federal, state, or local government agencies or in certain courts.

6. Have you filed a claim regarding this complaint with a federal, state, or local government agency?
Yes No

7. Have you instituted a legal suit or court action regarding this complaint? Yes No

8. Have you hired an attorney with respect to this complaint? Yes No

I request that the Library investigate this complaint of discrimination/harassment/retaliation in a timely and confidential manner as outlined in the Policy, and advise me of the results of the investigation. I have been informed by the Library that retaliation for filing this request is prohibited.

Signature: _____

Date: _____