

SEXUAL HARASSMENT PREVENTION POLICY

The Field Library (“Library”) is committed to maintaining a work environment free from unlawful sexual harassment, which is a form of employment discrimination. This Sexual Harassment Prevention Policy (“Policy”) is one component of the Library’s commitment to a discrimination-free work environment.

Summary of Policy

1. This Policy applies to all Library employees, administrators, officers and trustees. It also applies to individuals who are not employees of the Library, such as employees of contractors, subcontractors, vendors and consultants, as well as Library volunteers, interns, temporary employees and other persons who provide services to the Library. All such individuals are prohibited from engaging in sexual harassment.
2. Sexual harassment is strictly prohibited and will not be tolerated by the Library. Anyone who engages in sexual harassment in violation of this Policy will be subject to discipline or other corrective action as appropriate.
3. No person covered by this Policy shall be subject to an adverse employment action because they make a good faith report of an incident of sexual harassment, or provide information or otherwise participate in an investigation of a sexual harassment complaint. Any person covered by this Policy who engages in prohibited retaliation will be subject to disciplinary or other corrective action.
4. The Library will conduct a prompt, thorough and impartial investigation, consistent with this Policy, in response to any complaint about sexual harassment. The Library will also investigate other instances of potential sexual harassment that come to the Library’s attention. The Library will take appropriate disciplinary or other corrective action whenever prohibited sexual harassment is found to have occurred. All employees, administrators, officers, interns, temporary workers and individuals providing services to the Library are required to cooperate with any investigation of sexual harassment conducted by the Library.

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 that is of a sexual nature or directed at an individual because of that individual’s actual, self-identified or perceived sex, sexual orientation, gender expression, gender identity, or transgender status 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 treating an individual unequally or less well than others with regard to a term or condition of employment.

A sexually harassing hostile work environment can consist of unwanted sexual 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, including those which occur outside of the physical workplace or in a remote work setting.
- 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, videos, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning

or pornographic. This includes sexual displays on Library or personal computers, cell phones or tablets in the workplace or to anyone covered by this Policy.

- 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.
- Intentional misuse of an individual's preferred pronouns.
- 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. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment is prohibited regardless of whether the person engaging in the harassing conduct is a co-worker, intern, temporary worker, subordinate, supervisor or manager, administrator or officer, anyone else providing services to the Library or anyone else with whom the Library does business (e.g., outside vendors, consultants, independent contractors).

Where Can Sexual Harassment Occur?

Prohibited sexual harassment is not limited to the physical workplace itself. It can occur while employees are working remotely or interacting through virtual means, traveling for business, at Library-sponsored events, or other occasions outside work (*i.e.*, not in the workplace). Calls, texts, emails, and social media usage containing inappropriate messages, language, videos or graphics may also constitute sexual harassment or contribute to unlawful workplace harassment for anyone covered by this Policy, even if such things occur away from the workplace, on personal devices, or during non-work hours.

What is "Retaliation"?

Retaliation includes any conduct, whether or not 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.

Retaliation against an individual who makes a good-faith complaint about sexual harassment or what they believe to be a violation of this Policy, or who participates in an investigation into alleged sexual harassment is strictly prohibited and will not be tolerated.

Anyone who engages in retaliation prohibited by this Policy will be subject to disciplinary or other corrective action in accordance with applicable law and Library policy.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The 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, or who witnesses or becomes aware of potential instances of sexual harassment, is encouraged to do the following:

- If possible, tell the harasser that their actions are not welcome and must stop.
- Promptly report the harassing action(s), word(s) and/or incident(s) to the Human Resources Administrator.
- If you feel uncomfortable speaking with the Human Resources Administrator, or if you feel a complaint you previously made has not been adequately addressed, report the harassing action(s), word(s) and/or incident(s) to the Library Director.

Reports of sexual harassment may be made verbally or in writing. A form for submitting a written complaint of sexual harassment is attached at the end of this Policy. 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 manager who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Human Resources Administrator, or if the Human Resources Administrator is unavailable or is the one engaging in the harassing conduct, to the Library Director.

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

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. Generally,

there are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help, including:

1. Interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. If a bystander feels unsafe interrupting on their own, they can ask a third party to intervene or assist in interrupting the harassing behavior;
3. Record or take notes of the potentially harassing behavior;
4. Check-in with the person who has been harassed after the incident to see how they are feeling and let them know the behavior was not okay and that it should be reported; and
5. If a bystander feels safe, confront the harassers and tell them their behavior is inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Investigation of Sexual Harassment

The Library, either itself or through a delegated investigator, will conduct an investigation into all reports, complaints or other information about suspected sexual harassment, regardless of whether that information was reported in verbal or written form.

Investigations will be conducted in as timely and thorough a manner as possible commensurate with the nature of the complaint, and will be confidential to the extent possible. Upon receiving a complaint, the Library will conduct a review of the allegations and if appropriate put interim measures in place for the investigation. The individual bringing the complaint, and the 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 accused of sexual harassment will be appropriately informed of the allegations against them, and will be given an opportunity to present their version of events and any relevant evidence to the investigator. The investigation may also include reviewing documentation and other 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 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 with the Library's investigation into suspected sexual harassment, and are required to provide truthful and complete answers to questions asked of them by the investigator. Everyone involved in the reporting and investigation of sexual 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 Library to conduct an objective and appropriate investigation.

If the Library's investigation is conclusive and prohibited sexual harassment is found to have occurred, appropriate disciplinary or other corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment.

Once the investigation is complete and a determination has been made, the determination will be communicated to the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint), and the accused harasser. Follow-up interview(s) or other communication(s) with the individual who complained, the victim of the harassment (if the victim is not the individual who made the complaint) and/or any individual who participated in the Library's investigation into a complaint of unlawful harassment may be conducted where appropriate, to ensure that the sexual harassment has not resumed and that no retaliation has occurred.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the Library but is also prohibited by state, federal, and local law.

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.

In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities: the U.S. Equal Employment Opportunity Commission ("EEOC"), the New York State Division of Human Rights ("NYSDHR"), the Westchester County Commission on Human Rights, or in court within the time periods required by law.

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (42 U.S.C. § 2000e *et seq.*). A discrimination 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 Right to Sue Letter that allows an individual to pursue their claims in federal court. Federal courts may award remedies if discrimination is found to have occurred, which may include reversing an unlawful employment action, and paying monetary damages and attorneys' fees. The EEOC can be contacted by calling (800) 669-4000, (800)-669-6820 (TTY), or at its website www.eeoc.gov.

The NYSDHR enforces the New York State Human Rights Law (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 sexual harassment complaint alleging a violation of the Human Rights Law may be filed either with the NYSDHR subject to a three-year statute of limitations, or in New York State Supreme Court subject to a three-year statute of limitations. If unlawful discrimination is found, the NYSDHR 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, and civil fines. The NYSDHR can be contacted at (888) 392-3644 or at its website www.dhr.ny.gov. The NYSDHR also maintains a confidential and toll-free sexual harassment hotline for individuals to receive advice regarding sexual harassment. The number for the hotline is

1-800-HARASS-3 (1-800-427-2773), and is available Monday through Friday, 9:00 a.m. to 5:00 p.m.

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

Other Types of Harassment

The Library also prohibits discrimination or harassment on the basis of race, color or national origin; religion; age; creed; disability; marital, familial or caregiver status; citizenship; pregnancy; veteran or military status; genetic predisposition or carrier status; status as a victim of domestic violence, sex offenses or stalking; or any other non-sex based category protected by federal, state, county or local law. For more information, see Other Forms of Harassment Policy (Non-Sexual Harassment), which is found elsewhere in the Employee Handbook.

Questions

If you have any questions about this Policy, please contact the Human Resources Administrator, or if you feel uncomfortable speaking to the Human Resources Administrator, please contact the Library Director.