

## **POLICY AGAINST WORKPLACE SEXUAL HARASSMENT**

### **Commack Public Library**

#### **Introduction**

The **Commack Public Library** is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the **Commack Public Library**'s commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, interns, non-employees (as defined below) and other persons conducting business with the **Commack Public Library** have a legal right to a workplace that is free from sexual harassment.

The **Commack Public Library** is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment.

#### **Policy**

This Policy applies to all employees, applicants for employment, interns, non-employees (see definition below), and other persons conducting business with the **Commack Public Library** regardless of immigration status, (“covered individuals”) with respect to conduct by other persons.

For purposes of this Policy, a “non-employee” is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the **Commack Public Library**.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the **Commack Public Library**'s Policies, unlawful, and may subject the **Commack Public Library** to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the **Commack Public Library** will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

## **What is “Sexual Harassment?”**

Sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) 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 that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

- the 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 reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “*quid pro quo*” harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

## **Examples of Sexual Harassment**

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:

- Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
  - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
  - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
  - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which 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.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
  - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
  - Sabotaging a person's work; and
  - Bullying, yelling or name-calling.

### **Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

## **Where Can Sexual Harassment Occur?**

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

### **Retaliation is Prohibited**

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the **Commack Public Library** will be implemented.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to Director or Assistant Director. If the complaint involves or the individual is hesitant to report to the Director or Assistant Director, the individual should report the conduct to their supervisor. Contact information for these individuals can be found on the Commack Public Library's e-mail list.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

### **Reporting Sexual Harassment**

Preventing sexual harassment is everyone's responsibility. The **Commack Public Library** cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to the Director and/or the Assistant Director. If the complaint involves or the individual is hesitant to report to Director or the Assistant Director, the individual should report the behavior to their supervisor. If the complaint involves or the individual is hesitant to report to the Contact information for these individuals can be found on the Commack Public Library's e-mail list,

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

### **Supervisory Responsibilities**

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is **required** to report that suspected sexual harassment to the Director and/or the Assistant Director, irrespective of

whether the affected individual files a complaint. If the complaint or information involves the Director or the Assistant Director and the supervisor's manager must report the suspected sexual harassment to the Director or the Assistant Director; If the complaint or information involves the supervisor/manager they must report the suspected sexual harassment to the Director. Information for these individuals can be found on the Commack Public Library's e-mail list.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

### **Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. **Commack Public Library** will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Director or designee will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Director or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Director or designee will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Supervisor, will prepare a complaint form based on the oral reporting.

- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the **Commack Public Library** will take steps to obtain and preserve them.
- The Director or designee will request and review all relevant documents, including all electronic communications.
- The Director or designee will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The Director or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Director or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

## **Corrective Action**

Any person, including covered individuals of every level, who is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment).

If the sexual harassment involves a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the Commack Public Library and the non-employee or other individual.

## **Confidentiality**

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the **Commack Public Library** to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

## **Bad Faith Claims**

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the Commack Public Library may be taken against that person, subject to any statutory or contractual limitations.

## Staff Supervisory Email Accounts

<b>Joanne Albano</b>	<b>jalbano@commackpubliclibrary.org</b>
<b>Lisa Cavallaro</b>	<b>lisa@commackpubliclibrary.org</b>
<b>Demian Meyer</b>	<b>demian@commackpubliclibrary.org</b>
<b>Anissa Mulé</b>	<b>anissa@commackpubliclibrary.org</b>
<b>Lisa Palmieri</b>	<b>lisarose@commackpubliclibrary.org</b>
<b>Nancy Paszkiewicz</b>	<b>nancypa@commackpubliclibrary.org</b>
<b>Joanne Piombino-Browning</b>	<b>joanneb@commackpubliclibrary.org</b>
<b>Heather Planteny</b>	<b>heather@commackpubliclibrary.org</b>
<b>Michelle Rorke</b>	<b>michelle.rorke@commackpubliclibrary.org</b>
<b>Laurie Rosenthal</b>	<b>laurie@commackpubliclibrary.org</b>
<b>Curt Smith</b>	<b>curtsmith@commackpubliclibrary.org</b>
<b>Board of Trustees</b>	<b>cpl.board@commackpubliclibrary.org</b>

## **COMPLAINANT INFORMATION**

Name: \_\_\_\_\_

Work Address: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Job Title: \_\_\_\_\_

Email: \_\_\_\_\_

Select Preferred Communication Method:

Email  Phone  In person

## **SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_

Title: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Work Address: \_\_\_\_\_

## **COMPLAINT INFORMATION**

1. The complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing?  Yes  No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

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*The last question is optional, but may help the investigation.*

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

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If you retained legal counsel and would like us to work with them, please provide their contact information. \_\_\_\_\_

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*I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.*

*Signature:* \_\_\_\_\_ *Date:* \_\_\_\_\_