

# Ontario Public Library Policy 2090

## ANTI-HARASSMENT

### 1. Statement of Philosophy

The Ontario Public Library (OPL) is committed to maintaining a work environment free of unlawful discrimination and harassment. OPL will not tolerate harassment of its employees by any supervisor, coworker, volunteer, patron, or any other person.

OPL prohibits all forms of harassment, which includes any unwelcome conduct, whether verbal, physical or visual, that is based upon a person's gender, race, color, national origin, immigration status, ancestry, religion, creed, physical or mental disability, marital status, age or any other basis protected by federal, state, or local law. Such conduct is unlawful and prohibited whenever it affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive working environment.

### 2. Forms of Harassment

**Sexual Harassment** consists of unwelcome sexual advances, requests for sexual favors and other verbal, visual or physical conduct of a sexual nature whenever:

- A. Submission to the conduct is made either an explicit or implicit condition of employment;
- B. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
- C. The harassing conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

**Sexual Harassment** can involve an almost infinite variety of conduct and can occur between individuals of the opposite or same sex.

Some examples of Sexual Harassment include:

1. Unwelcome physical contact with sexual overtones such as touching, patting, pinching, repeatedly "brushing" up against someone or impeding the movement of another person;
2. Sexually offensive comments such as slurs, jokes, epithets and innuendo;
3. Sexually oriented "kidding" or "teasing" or sexually oriented "practical jokes;"
4. Suggestive or obscene written comments in notes, letters, invitations, social media or e-mails;
5. Inappropriate repeated, or unwelcome sexual flirtations, advances or propositions;
6. Offensive visual contact such as staring, leering, gestures or displaying obscene objects, pictures or cartoons;
7. Exchanging or offering to exchange any kind of employment benefit for a sexual concession (e.g., promising a promotion or raise in exchange for sexual favors);
8. Withdrawing or threatening the withdrawal of any kind of employment benefit for refusing to grant a sexual favor (e.g., suggesting that an individual receive a poor performance review or be denied a raise unless s/he goes out on a date with a supervisor); or,
9. Any action taken because of an individual's gender that alters the terms, conditions and/or privileges of employment.

**POLICY ADOPTED:** 03/27/2018  
**REVISED:** 07/17/2023  
**REVIEWED:**

Board of Trustees  
Ontario Public Library  
**Page 1 of 6**

# Ontario Public Library

## Policy 2090

### Other examples of prohibited Harassment:

1. Offensive comments such as racial or ethnic slurs, jokes, epithets and innuendo;
2. Conduct oriented “kidding,” “teasing” or “practical jokes” based on a person’s race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age or any other basis protected by federal, state or local law;
3. Harassing conduct based on gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age or any other basis protected by federal, state or local law that unreasonably interferes with an employee’s work performance or creates an intimidating, hostile, or offensive working environment; or
4. Any action taken because of an individual’s gender, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age or any other basis protected by federal, state or local law that alters the terms, conditions and/or privileges of employment.

### 3. Applicability of Policy

The prohibition against harassment applies to everyone: managers, supervisors, salaried and hourly employees, temporary employees, volunteers, contractors, patrons, trustees, public officials, and appointed administrative officers. The Library will not tolerate harassment of any kind by anyone.

### 4. Reporting Harassment

#### A. Complaint Form: Combating Sexual Harassment

Ontario Public Library cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to the Director or Library Assistant

Reports of sexual harassment may be made verbally or in writing. The Complaint Form for Combating Sexual Harassment is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee’s behalf.

Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

#### B. All Other Forms of Harassment

##### Notify Appropriate Staff

1. Employees, supervisors and managers must report any incident of harassment in addition to sexual harassment.

**POLICY ADOPTED:** 03/27/2018  
**REVISED:** 07/17/2023  
**REVIEWED:**

Board of Trustees  
Ontario Public Library  
**Page 2 of 6**

# Ontario Public Library

## Policy 2090

2. OPL encourages the prompt reporting of complaints so that a rapid response and appropriate action may be taken. A prompt report not only aids the complainant but also helps to maintain an environment free from discrimination for all employees.
3. Individuals who believe they have been subjected to harassment because of race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, age or any other basis protected by federal, state or local law, should immediately report the incident to his/her direct supervisor.
4. If the supervisor is the alleged harasser or the employee is uncomfortable reporting the alleged harassment to the supervisor, the incident should be reported directly to the President of the Board of Trustees, or other executive officer of the Board.

### Prepare Written Report of Misconduct

1. An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment. Verbal reports of harassment must be stated in writing by either the complainant or his/her supervisors and must be signed by the complainant and the supervisor. The written report is sent to the Human Resources Office.
2. Individuals who believe they have been or are currently being harassed should maintain a record of objectionable conduct in order to prepare effectively their written report and to substantiate their allegations.

### 5. Internally Investigating the Complaint

#### A. Confidentiality

Any allegation of harassment will be investigated promptly. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

#### B. Investigation Process

OPL will investigate thoroughly and quickly any incident of harassment or sexual harassment and will make every effort to take the wishes of the complainant into consideration, keeping the complainant informed as to the status of the investigation.

### 6. Discipline for Engaging Harassment

Depending on the nature and seriousness of the offense, the Library will impose appropriate discipline, up to and including termination, against any manager, supervisor or employee found to have engaged in any form of harassment. For Civil Service employees, the supervisor or Human Resources Office will notify Wayne County Civil Service to confirm procedures.

When a patron, volunteer or other person not employed by the Library is found to have engaged in harassment against a Library employee, the Library supervisor or Human Resources Office will advise the person Library's policy against such harassment, and will take such other actions as is appropriate under the circumstances.

# Ontario Public Library

## Policy 2090

### 7. Protection against Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

The Library will not, in any way, retaliate against an individual who makes a complaint of harassment or against any participant in the investigation; nor will it permit any supervisor/manager/employee to do so.

#### Examples of Retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

### 8. Legal Protections and External Remedies

Sexual harassment is not only prohibited by OPL, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals 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 also seek the legal advice of an attorney.

#### New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, 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 OPL does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

**POLICY ADOPTED:** 03/27/2018  
**REVISED:** 07/17/2023  
**REVIEWED:**

Board of Trustees  
Ontario Public Library  
**Page 4 of 6**

# Ontario Public Library

## Policy 2090

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 receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to act to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive 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).

Go to [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

### **The United States Equal Employment Opportunity Commission:**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, 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 the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

**POLICY ADOPTED:** 03/27/2018  
**REVISED:** 07/17/2023  
**REVIEWED:**

Board of Trustees  
Ontario Public Library  
**Page 5 of 6**

# Ontario Public Library

## Policy 2090

### **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. Those wishing to pursue criminal charges are encouraged to contact their local police department.