

SEXUAL HARASSMENT

Policy

The Board of Trustees recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal and temporary workers, regardless of immigration status) and certain “non-employees” (which includes patrons, contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the Library culture by creating an environment of fear, distrust, intimidation and intolerance.

The Board further recognizes that preventing and remedying such harassment in the Library is essential to ensure a healthy, nondiscriminatory environment in which its patrons can access information and employees and non-employees can work productively.

Overview

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and local law, including Title VII of the Civil Rights Act of 1964 and the New York State Human Rights Law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation gender identity, gender expression and transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an employee's or on-employee's employment or Library experience;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or "non-employee's" work creating an intimidating, hostile or offensive work or library environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation.

The Board is committed to providing a Library and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on Library grounds and at all Library-sponsored activities, programs and events including those that take place at locations outside the Library if the harassment impacts the individuals employment in a way that violates their legal rights, including when employees and non-employees travel on Library business or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

Sexual harassment may subject the Library to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment as described above. Those laws are set forth below and listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the Library. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. Any complaint received by an employee should be reported using the complaint form developed by the Library. The Library will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe in the Library due to the nature of the complaint, the Library will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the Library finds that an employee or non-employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, Library policy and applicable law. Individual non-disclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all Library contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline,

discrimination, demotion, denial of privileges or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or Library-related, or occur in the workplace or Library environment to constitute unlawful retaliation.

The Library Director is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established annually for employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in the Library, on the Library's website, and shall also be published in employee handbooks, and other appropriate publications.

A committee shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to the Board.

Procedure

This regulation is intended to create and preserve a Library and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the Library's commitment to provide a healthy and productive environment for all employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal and temporary workers, regardless of immigration status) and certain "non-employees" (which includes patrons, contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and local law, including Title VII of the Civil Rights Act of 1964 and the New York State Human Rights Law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation gender identity, gender expression and transgender status.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, gender or sexual orientation, when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly of an employee's or non-employee's employment or Library experience; or
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an employee's or non-employee's employment or Library experience; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or non-employee's work creating an intimidating, hostile or offensive work or Library environment, even if the complaining individual is not the intended target of the sexual harassment

Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

Unacceptable Conduct

Library-related conduct that the Library considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for Library services, promotions, preferences, favors, selection for activities or job assignments, etc., or when accompanied by implied or overt threats concerning the target's work evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;

7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants, shorts, etc.); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or equipment,; sabotaging that person's work; bullying, yelling or name-calling; or otherwise interfering with that person's ability to work or participate in Library functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex or gender expression;
 - b. ostracizing or refusing to participate in group activities with an individual because of the individual's sex, gender expression or gender identity;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, gender or gender expression

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the employee or patron did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on Library grounds and at all Library-sponsored activities, programs and events, including those that take place at locations outside the Library or outside the Library setting if the harassment impacts the individual's Library experience or employment in a way that violates their legal rights, including when employees or non-employees travel on Library business or when the harassment is done by electronic means (including on social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct altered the conditions of the employee's working environment or Library experience;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the Library; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Any person who believes they have been the target of sexual harassment by an employee, non-employee or third party related to the Library is encouraged to report complaints as soon as possible after the incident in order to enable the Library to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of an employee or non-employee is also encouraged to report the incident or behavior to the Library. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Library Director. If the Director is the alleged harasser, complaints shall be filed with the President of the Board of Trustees. A form is annexed to this Regulation.

Library employees receiving complaints of sexual harassment from employees and non-employees shall either direct the complainant to Library Director, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Confidentiality

It is Library policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the Library will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the Library's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the Library retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the individual responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the Library's ability to respond to their complaint;
2. Library policy and federal law prohibit retaliation against complainants and witnesses;
3. the Library will attempt to prevent any retaliation; and
4. the Library will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the Library from responding effectively to the harassment and preventing the harassment of other patrons or employees.

Investigation and Resolution Procedure

The investigator shall conduct an investigation upon receipt by the investigator of a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the investigator should make all reasonable efforts to resolve complaints informally at the Library level. The goal of investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough and shall be completed as soon as possible.

Immediately, but no later than three working days following receipt of a complaint, the Library Director or the Director's designee shall begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to outside agencies for counseling services.
2. Preserve and review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Library Director shall complete a complaint form (see Attachment) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.) if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if they make contact with or retaliates against the target, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Preserve and review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing them of the Library's policies and indicating that the behavior must stop;
- b. suggesting counseling and/or sensitivity training;
- c. conducting training for the department in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the complainant;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

9. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them

10. The investigator shall notify the target that if they desire further investigation and action, they may request a Library level investigation by contacting the Library Director or Board of Trustees. The investigator shall also notify the target of the legal protections and external remedies set forth below.

11. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
- b. A list of names of those interviewed along with a detailed summary of their statements;
- c. A timeline of events;
- d. A summary of prior relevant incidents, reported or unreported; and
- e. The final resolution of the complaint, together with any corrective action(s).

If the investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Library Director, who shall then take prompt disciplinary action in accordance with Library policy, the applicable collective bargaining agreement or applicable law.

In the event the complaint of sexual harassment involves the Director, the complaint shall be filed with or referred to the Board of Trustees, who shall refer the complaint to a trained investigator not employed by the Library for investigation.

If a complaint received by an employee contains evidence or allegations of serious or extreme harassment, criminal touching, quid pro quo (e.g., offering an employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Library Director (or, if the complaint involves the Library Director, to the Board

President). In addition, where there is a reasonable suspicion that the alleged harassment involves criminal activity, the employee should immediately notify the Library Director (or Board President), who shall then contact appropriate child protection and/or law enforcement authorities. Where criminal activity is alleged or suspected by a Library employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

No later than 30 days following receipt of the complaint, the Library Director (or in cases involving the Library Director, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Library Director or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during the sexual harassment investigations and hearings.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges,, any action that would keep a person from coming forward to make or support a sexual harassment claim and any other form of harassment. Such actions need not be job- or Library-related or occur in the workplace or Library environment to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to Library authorities include, but are not limited to the following:

Patrons: Discipline may range up to and including suspension of Library privileges as may be permitted by applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Non-employees other than patrons (i.e., contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract or their employees): penalties may range from a warning up to and including loss of Library business.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Other individuals: Penalties may range from a warning up to and including denial of future access to Library property.

False Complaints:

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training:

All employees shall be informed of this policy in employee handbooks and on the Library's website. A poster summarizing the policy shall also be posted in a prominent location in the Library. The Library shall provide all existing employees with either a paper or electronic copy of the Library's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.

All new employees shall receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the Library's commitment to a harassment-free Library and working environment. Employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv)

information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

External Remedies

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

Aside from the internal process at the Library, employees may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with 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 discrimination. 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.

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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorney's fees and civil fines. Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400 [appropriate other contact info], www.dhr.ny.gov

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law

enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No Library contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

Nondisclosure agreements:

The Library may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Ref:

- Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
- Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
- Executive Law §296-d (prohibition of sexual harassment of non-employees)
- Labor Law §201-g (required sexual harassment policy and training)
- Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
- General Obligations Law §5-336 (nondisclosure agreements optional)
- Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)
- Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)
- Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)
- Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)
- Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)
- Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)
- Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)
- Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*
- Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*
- Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

POLICY RESTATEMENT

Approved by the Board of Trustees on October 19, 1999

MODIFIED ON:

By the Board of Trustees
June 19, 2012
By the Board of Trustees
November 20, 2018

ATTACHMENTS: