

## SEXUAL HARASSMENT

### TFML Policy No. 3

It is the intent of the Thomas Ford Memorial Library (TFML) to provide a collegial work environment in which all individuals are treated with dignity and respect. It is the right of each individual to work in a professional atmosphere that promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. In addition, sexual harassment is a violation of both federal and state law. At the TFML sexual harassment, whether physical or verbal, will not be tolerated and may be grounds for disciplinary action including but not limited to immediate dismissal.

#### 3.1 Definition of Sexual Harassment

Sexual harassment is defined as

##### 3.11 **An unwelcome sexual advance.**

##### 3.12 **A request for sexual favors.**

##### 3.13 **Other conduct (verbal or physical) of a sexual nature.**

3.13a When submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.

3.13b When submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual.

3.13c When such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

##### 3.14 **Examples of sexual harassment.**

3.14a Verbal: sexual innuendoes, suggestive comments, insults, humor or jokes about sex, sexual anatomy or gender specific traits, sexual propositions, threats, repeated requests for dates, or statements about other employees, even outside their presence, of a sexual nature.

3.14b Non-Verbal: suggestive or insulting sounds (whistling), leering, obscene gestures, sexually suggestive body gestures, "catcalls," "smacking," or "kissing" noises.

3.14d Submission to unwelcome sexual conduct as a requirement for an employment opportunity.

3.14e Display of posters, signs, pin-ups, slogans or other material of a sexual nature or of like material on a computer screen where persons who are offended by such material can unwittingly view it.

3.14f Unwelcome touching, hugging, kissing, pinching, brushing of the body, coerced intercourse, or physical assault.

#### 3.2 Determination of Sexual Harassment

A determination of sexual harassment is not limited to the usual perception of a man harassing a woman but may include members of the same gender

as well as that of a woman harassing a man. The most severe and overt forms of sexual harassment are relatively easy to determine; more subtle sexual harassment depends to some extent on individual perception and interpretation. The trend in court today is to use the standard of what would offend a "reasonable woman" or "reasonable man." The use of endearments such as "honey," "darling" or "sweetheart" may be objectionable to many who believe that these terms undermine authority and ability to communicate on an equal professional level. Unacceptable behavior is not limited to the library staff but also includes behavior directed toward patrons. Unacceptable behavior is not limited to the work place but may include work-related social events, conferences and seminars.

### 3.3 Reporting Sexual Harassment

Individuals who believe that they are being harassed are encouraged to firmly and promptly notify the offender that his/her behavior is unwelcome. It is recognized that power and status disparities between an alleged harasser and a target may make such confrontation impossible. When direct communication between individuals is either ineffective or impossible, the following steps should be taken to report a sexual harassment complaint.

**3.31 Notification of Staff:** The sexual harassment incident should be reported to the Library Director by the individual subjected to the unwelcome behavior. If the complaint is not successfully resolved in an informal manner, a special Sexual Harassment Review Committee will be appointed by the President of the Board of Trustees to resolve the complaint.

**3.32 Director as Harasser:** If the person responsible for the unwelcome behavior is the Library Director, the person who believes that they have been subjected to harassment should report the incident(s) to the President of the Board of Trustees.

**3.33 Description of Misconduct:** A formal complaint of sexual harassment must be submitted in writing by the complainant or by the individual designated to receive complaints and must be signed by the complainant. An accurate record of the objectionable behavior/misconduct is essential and individuals who believe they have been or are being harassed should maintain a record to effectively prepare and corroborate their allegations. In the event that a lawsuit develops, the complainant's written record and notes may not be considered privileged information, and therefore, may not be treated as confidential.

**3.34 Time-Frame for Reporting a Complaint:** Prompt reporting of complaints is encouraged so that a timely response and appropriate action may be taken. However, due to the sensitivity of these problems and because of the emotional toll sexual harassment may have on the individual, no time limit will be instituted for reporting complaints. Late reporting of complaints will not, in and of itself, preclude the TFML from taking remedial action. Note, however, that reports made directly to the

Illinois Department of Human Rights must be made within 180 days after a civil rights violation occurs. Such reports must be made within 300 days to the Equal Employment Opportunities Commission.

**3.35 Protection Against Retaliation:** TFML will not in any way retaliate against an individual who makes a report of sexual harassment, nor permit any employee or Trustee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately. Any person found to have retaliated against another individual for reporting sexual harassment will be subject to the same disciplinary action provided for sexual harassment offenders.

### 3.4 Investigation of the Complaint

**3.41 Confidentiality:** Any allegation of sexual harassment will be promptly investigated in a confidential manner to protect the privacy of the persons involved. Confidentiality will be maintained throughout the investigatory process to the extent that is practical and appropriate under the circumstances.

**3.42 Identification of the Investigators:** Complaints will be investigated and resolved by the appointment of a special Sexual Harassment Review Committee. Any of the following individuals may be included in the reviewing and investigation/outcome: Board President, Board members, Library Director and/or Attorney.

**3.43 Investigation Process:** In the course of pursuing the investigation, the investigator(s) will try to take the wishes of the complainant under consideration but will thoroughly investigate the matter as they see fit. The complainant will be informed as to the status of the investigation as it proceeds. Objectives of the investigation are to:

3.43a Confirm name/position of the complainant.  
3.43b Identify the alleged harasser.  
3.43c Ascertain the facts that explain what happened.  
3.43d Determine the frequency and type of alleged harassment and, when possible, the dates/locations where the alleged harassment took place.

3.43e Identify any individuals who observed/overheard the alleged harassment.

3.43f Determine how the individual responded to the harassment.

3.43g Determine whether the harassed individual consulted anyone else about the harassment and note who else knows of the conduct and their response to the disclosure.

3.43h Develop an understanding of the professional relationship, degree of control and amount of interaction between the alleged harasser and complainant.

3.43i Determine whether the complainant informed other administrative/supervisory personnel of the situation and their response(s).

**3.44 Temporary Remedial Action:** Upon request by the complainant, and if it is practicable, he or she will be given a new work schedule in an attempt to limit or eliminate contact with the alleged harasser. Should there be a finding after the investigation that no harassment occurred or should a resolution to the harassment be agreed upon, the Board shall return the complainant to his or her former position or work schedule.

### 3.5 Resolving the Complaint

The findings, informal or formal, and the intended actions will be communicated to the complainant and the alleged harasser within thirty (30) days of the commencement of the investigation. If the Review Committee finds that harassment has occurred, the harasser will be subject to appropriate disciplinary procedures, up to and including discharge. The complainant will be informed of the disciplinary action taken.

If the Review Committee determines that no sexual harassment has occurred, this finding will be communicated to the complainant and the alleged harasser, in consultation with the Library Attorney.

In the event that no satisfactory resolution can be reached based on the initial investigation, the matter shall be referred to the full Board of Trustees. It is hoped that most sexual harassment complaints and incidents can be resolved through the Library's internal complaint process as established in this policy; however, employees also have legal recourse to the investigative and complaint process of the State and Federal governments. The complainant may contact the State and Federal governments as follows:

Illinois Dept. of Human Rights  
100 West Randolph Street  
Suite 10 -100  
Chicago, IL 60601  
(312) 814-6200  
or

222 South College  
Floor 1  
Springfield, IL 62704  
(217) 785-5100

Illinois Human Rights Commission  
100 West Randolph  
Suite 5 - 100  
Chicago, IL 60601  
(312) 814-6269

or  
Stratton Office Bldg.  
Suite 404  
Springfield, IL 62706

Federal Equal Employment Opportunities Commission  
536 South Clark Street  
9th Floor  
Chicago, IL 60605  
(312) 353-2713

**3.51 Sanctions:** Individuals found to have engaged in misconduct constituting sexual harassment will be severely disciplined, up to and including discharge. Appropriate sanctions will be determined by the Library Board of Trustees. Minimally the response will include reprimanding the offender and preparing a written record. Additional action may include referral to counseling, withholding promotion, reassignment, temporary suspension without pay, financial penalties or termination.

**3.52 False Accusation:** Complaints made unreasonably and not in good faith could result in disciplinary action being taken against the complainant.

TFML will maintain a complete record of each complaint, how it was investigated and resolved, for five (5) years or longer if new circumstances arise related to the complaint. The records will be maintained in a confidential manner in the Library Director's office.

### **3.6 Effect of Policy**

This policy is not intended to create any sort of contract of employment within the Thomas Ford Memorial Library. This policy continues the current policy of at-will employment. Specifically, unless otherwise indicated in a written contract between the employee and the Library, all personnel are considered employees at will and any and all language that might be construed to the contrary is hereby specifically disclaimed. Nothing in this policy shall be interpreted as an offer of employment or a promise of continued employment. Continued employment of all employees is subject to the general discretion the Board of Library Trustees.

Adopted: 4/27/95  
Reviewed: 4/22/97  
Reviewed: 12/21/99  
Revised: 9/23/03  
Revised: 10/23/07  
Revised: 3/30/10  
Reviewed: February 28, 2012