

SEXUAL HARASSMENT POLICY

The Essex Library Association (Library) is committed to providing its employees and patrons with a desirable environment in which to work and visit. Sexual harassment is discriminatory and unlawful as well as a serious violation of individual rights and institutional values. Sexual harassment of any sort will not be tolerated.

Patrons or staff members who feel they have experienced or are experiencing sexual harassment are strongly encouraged to report the incidents to the Library Director so that the incidents may be investigated. The policy also applies to contractors hired by the library who believe that they have experienced or are experiencing sexual harassment during the course of their work. The Library will respond to and investigate all claims of sexual harassment and appropriately address such behaviors. Sexual harassment can be committed by both men and women against both men and women. It can occur between patrons and staff members, between staff members and between patrons

Complaints of sexual harassment may be made even if the alleged harassers are not employees of the Library. If the complainants believe they are being sexually harassed by other library users, the complainants may request that the complaints be investigated.

The display of some sexually-explicit material on library workstations where others can see it may be construed as creating a hostile environment, a form of sexual harassment prohibited by law. If a library employee witnesses such displays or if a complaint is registered, users will be asked to discontinue displaying material of this nature.

What Is Sexual Harassment?

Sexual harassment is a form of unlawful discrimination under both federal and Connecticut law. The legal definition of sexual harassment is unwelcome sexual advances, requests for sexual favors and/or other verbal or physical conduct of a sexual nature when:

1. Submission to such advances, requests or conduct is made an explicit or implicit term or condition of an employment decision;
2. Submission to or rejection of such conduct by an individual is used as a basis for an employment decision affecting such individuals; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's ability to fully use the library, interferes with work performance or creates an intimidating, hostile or offensive environment.

Note: Employment decisions include, but are not limited to, hiring, firing, transfers, promotions, upgrades, performance evaluations, letters of recommendation and professional advancement.

Conduct alleged to be sexual harassment will be evaluated by considering the totality of the particular circumstances, including the nature, frequency, intensity, context and duration of the questioned behavior. Although repeated incidents generally create a stronger claim of sexual harassment, a serious isolated incident can present sufficient grounds for investigation and action.

Examples of Sexual Harassment

The key word in defining sexual harassment is unwelcome. While it is not possible to list all those circumstances that may constitute sexual harassment, the following are some examples of conduct which may constitute sexual harassment depending on the totality of the circumstances:

Unwelcome and repeated sexual comments or verbal abuse about a person's gender;

Unwelcome and repeated sexual advances, propositions, and pressure for dates;

Unwelcome and deliberate physical contact such as patting, pinching, hugging, kissing;

Unwelcome behavior or words, including demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats of negative treatment with regard to an individual's employment status;

Sexual epithets, jokes, written or oral references to sexual conduct, comments about an individual's sexual activity, deficiencies or prowess;

Displaying sexually suggestive objects or images.

Violation of Policy

Any employee violating this policy will be subject to appropriate discipline, up to and including termination by the Library. Patrons may temporarily or permanently lose library privileges.

Procedure for Complaints of Workplace Harassment:

(a) **Complaint.** The designated Harassment Grievance Officer is the Library Director. If any employee believes he or she has been subject to workplace harassment, the employee or patron should initiate a complaint to the Library Director as soon as possible. The employee should promptly file a written complaint following any incident of alleged harassment. The employee should be aware that the longer the period of time between the event giving rise to the complaint and the filing, the more difficult it will be for the Library to reconstruct what occurred. The Library Director will promptly share this complaint with the Library Board. The Library Director will communicate all activities regarding this matter to the Library Board Executive Committee.

Note: Employees or patrons do not have to go through the regular chain of reporting procedures when reporting harassment. If the employee or patron is uncomfortable contacting the Library Director because he or she believes the Library Director may not receive the complaint impartially, he or she may contact the Chairperson of the Personnel Committee and/or the Board President.

(b) **Investigation.** On receiving the complaint, the Library Director or other person to whom the complaint has been made will promptly investigate the matter. If, after the completion of this preliminary investigation, it is determined that there is reasonable cause for finding a violation of this policy, the Library will verbally notify the complainant and the accused employee or patron. The accused employee or patron will be requested to respond to the complaint. Additional investigation will be made to the extent appropriate in each case.

(c) **Decision.** After the accused employee or patron has responded and the investigation is concluded, the Library Director and/or Library Board of Trustees will make a final decision and notify all parties involved. If the Library finds that the investigation substantiates the allegations in the complaint, the Library Director will proceed with an appropriate plan of action.

Approved by ELA Board – June 13, 2011 [Provisionally for use until 9/12/2011 Board meeting]