

# Anti-Harassment Policy

## All Unlawful Harassment Prohibited

The Ticonderoga Black Watch Memorial Library (hereinafter referred to as “library”), strictly prohibits and does not tolerate unlawful harassment against staff or any other covered persons, including but not limited to interns and volunteers, because of race; religion; creed; national origin; ancestry; sex (including pregnancy); gender (including gender nonconformity and status as a transgender or transsexual individual); age (18 and over); physical or mental disability; citizenship; genetic information; past, current or prospective service in the uniformed services; marital status; or any other characteristic protected under applicable federal, state or local law.

## Sexual Harassment

All library staff, other workers and representatives (including patrons and visitors) are prohibited from harassing staff and other covered persons based on that individual’s sex or gender (including pregnancy and status as a transgender or transsexual individual), and regardless of the harasser’s sex or gender.

Sexual harassment means any harassment based on someone’s sex or gender. It includes harassment that is not sexual in nature (for example, offensive remarks about an individual’s sex or gender), as well as any unwelcome sexual advances or requests for sexual favors or any other conduct of a sexual nature, when any of the following is true:

- Submission to the advance, request or conduct is made either explicitly or implicitly a term or condition of employment,
- Submission to or rejection of the advance, request or conduct is used as a basis for employment decisions,
- Such advances, requests or conduct have the purpose or effect of substantially or unreasonably interfering with an employee’s or other covered person’s work performance by creating an intimidating, hostile or offensive work environment.

The library will not tolerate any form of sexual harassment, regardless of whether it is:

- Verbal (for example, epithets, derogatory statements, slurs, sexually related comments or jokes, unwelcome sexual advances or requests for sexual favors),
- Physical (for example, assault or inappropriate physical contact),
- Visual (for example, displaying sexually suggestive posters, cartoons, or drawings; sending inappropriate adult-themed gifts; leering or making sexual gestures).

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This list is illustrative only, and not exhaustive. No form of sexual harassment will be tolerated.

Harassment is prohibited both at the library and at library-sponsored events.

## **Other Types of Harassment**

The library's anti-harassment policy applies equally to harassment based on an employee's or other covered person's race; religion; creed; national origin; ancestry; age (over 40); physical or mental disability; citizenship, genetic information; past, present, or prospective service in the uniformed services; marital status or any other characteristic protected under applicable federal, state or local law. Such harassment often takes a similar form to sexual harassment and includes harassment that is:

- Verbal (for example, epithets, derogatory statements, slurs, derogatory comments or jokes),
- Physical (for example, assault or inappropriate physical contact),
- Visual (for example, displaying derogatory posters, cartoons or making derogatory gestures).

This list is illustrative only, and not exhaustive. No form of harassment will be tolerated. Harassment is prohibited both at the library and at library-sponsored events.

## **When to Report a Problem**

Preventing harassment is everyone's responsibility. The library cannot prevent or remedy harassment unless it knows about it.

If a person is subjected to any conduct that is believed to violate this policy, that person is encouraged to report any harassment or behaviors to his/her direct supervisor; or, if the conduct involves his/her direct supervisor, to the next level above his/her direct supervisor; or to a member of the library board of trustees. Ideally, a report should be made within ten (10) days of the offending conduct. Reporting the violation constitutes filing a complaint under this policy, which complaint will be handled pursuant to the following section titled "Complaint Procedure".

Additionally, any manager or supervisor who observes conduct in violation of this policy must report the conduct to his/her direct supervisor or to a member of the library board of trustees so that an investigation can be made and corrective action taken.

## **Complaint Procedure**

Please see the preceding section titled "When to Report a Problem" to determine when a violation should be reported. Reports of harassment may be made verbally or in writing. A form for submission of a written complaint is available in the Town of Ticonderoga Employee Handbook, and

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all employees and covered persons are encouraged to use this complaint form. Employees and other covered persons who are reporting harassment on behalf of another employee or covered person should use the complaint form and note it is on another's behalf.

Complaints should be as detailed as possible, including the names of all individuals involved and any witnesses. The library will directly and thoroughly investigate complaints and will take prompt corrective action, including but not limited to written warnings, reprimand, suspension and termination of employment or services. The library reserves the right to contact law enforcement if appropriate.

Investigations of alleged harassment will be handled by the library board of trustees in a confidential manner to protect the privacy of the individuals involved.

While the process may vary from case to case, investigations should proceed in accordance with the following steps:

- Upon receipt of a complaint, the board of trustees will conduct an immediate review of the allegations and take any interim actions (e.g. instructing the respondent to refrain from communications with the complainant), as appropriate. If a complaint is verbal, the complainant will be encouraged to complete the Complaint Form. If the complainant refuses, the person receiving the verbal complaint should prepare a Complaint Form based on the verbal reporting;
- If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them;
- Request and review all relevant documents, including all electronic communications;
- Interview all parties involved, including any relevant witnesses;
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - A list of all documents reviewed, along with a detailed summary of relevant documents;
  - A list of names of those interviewed, along with a detailed summary of their statements;
  - A timeline of events;
  - A summary of prior relevant incidents, reported or unreported;
  - The final resolution of the complaint and basis for the decision together with any corrective action(s).
- Keep the written documentation and associated documents in a secure and confidential location.
- Promptly notify the complainant and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.

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- Inform the complainant of the right to file a complaint or charge externally as outlined in the next section.

A complainant who has not received a satisfactory response to his/her complaint within five (5) days after reporting any incident perceived to be a violation of this policy, should immediately contact the president of the library board of trustees and/or the Town of Ticonderoga Supervisor.

## **No Retaliation**

No one will be subject to, and the library prohibits, any form of discipline, reprisal, intimidation or retaliation for good faith reporting of incidents of harassment of any kind, pursuing any harassment claim or cooperating in related investigations.

The library is committed to enforcing this policy against all forms of harassment. However, the effectiveness of this effort depends largely on employees and other covered individuals reporting inappropriate workplace conduct. If an employee or other covered individual feels that she/he or someone else may have been subjected to conduct that violates this policy, she/he should report the violation as soon as possible. If employees and other covered individuals do not report harassing conduct, the library may not become aware of a possible violation of this policy and may not be able to take appropriate corrective action.

## **Violations of this Policy**

Any employee or other covered individual, regardless of position or title, whom the board of trustees determines has subjected another employee or covered individual to harassment or retaliation in violation of this policy, will be subject to discipline, up to and including termination of employment or services.

If upon completion of an investigation, it is determined that there was no harassment or violation of this policy, then the employee or covered individual making the claim will be informed. If the individual who asserted the claim of harassment is found to have falsely accused another individual, then that person will be subject to appropriate sanctions, including termination of employment or services.

## **Legal Protections and External Remedies**

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

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Aside from the internal process at the library, employees and other 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 seek the legal advice of an attorney.

In addition to those outlined below, employees and other covered individuals in certain industries may have additional legal protections.

### State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all 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 the Division of Human Rights (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 sexual harassment. 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 sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring the library to take action to stop the harassment, or redress the damage caused, including paying of monetary 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).

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://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.

## **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal antidiscrimination 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 of 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. 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 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 unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.