

## **SEXUAL HARASSMENT**

### **1. Statement of Policy**

The Board of Trustees of the Smithtown Special Library District is steadfastly committed to safeguarding the right of all of its employees to a working environment that is free from sexual harassment. The Board recognizes that sexual harassment may originate from a person of either sex against a person of the opposite or same sex and from peers as well as supervisory personnel. The Board further recognizes that sexual harassment does not only emanate from the intention of the one who harasses an employee, but also upon how the person who is the victim of harassment perceives the behavior or is affected by it.

The Board prohibits unwelcome behavior of a sexual nature which is either designed to extort sexual favors from an employee as a term or condition of employment, or which has the purpose or effect of creating an intimidating or hostile employment environment. The Board will not tolerate any retaliatory actions against complainants or any witnesses to such sexual harassment.

Any library employee who believes that he or she has been subjected to sexual harassment should report the alleged misconduct immediately so that the library may take appropriate corrective action, up to and including discharge of the offender (pursuant to the applicable provisions of the State Education Law and the Civil Service Law of the State of New York), at once. In the absence of a victim's complaint, the Board, upon learning of or having reason to suspect, the occurrence of any sexual misconduct, will ensure that an investigation is promptly commenced by the Library Director.

This policy includes specific procedures on reporting, investigating, and remedying allegations of sexual harassment. Such procedures are to be consistent with any applicable provisions contained in the collective bargaining agreement, as well as the applicable provisions of the Education Law and the Civil Service Law and shall be implemented by the Director.

### **2. Definitions**

- a. The term employee shall refer to all administrative and support personnel.
- b. The term immediate supervisor shall refer to the person to whom the employee is directly responsible (e.g., Library Director, Department Head, Librarian, etc.)

### **3. Procedures**

Library employees who believe they have been the victims of sexual harassment should report the incident to their immediate supervisor. In those cases where the immediate supervisor is alleged to be the one committing the harassment, such a report shall be made to the next level of administration. Any incident of sexual harassment may be reported informally or through the filing of a formal complaint.

## Policy 500-90

All reports of alleged sexual harassment will be held in confidence subject to all applicable laws and any relevant provisions contained within the collective bargaining agreement.

### a. Procedure for Informal Complaints

In the event that an employee believes that he or she has been the victim of sexual harassment, said employee may request an informal meeting with an appropriate supervisor. The purpose of such a meeting will be to discuss any allegations of sexual harassment and the appropriate remedial measures. The supervisor is then required to promptly discuss the sexual harassment complaint with the person who is alleged to have harassed the particular employee. Should the one accused admit the allegations made to the supervisor, said supervisor must obtain a written assurance that the sexually harassing behavior will be discontinued immediately. Where at all possible, in conformity with this policy, the Library Director should be present during the meeting and involved in any remedial action. Depending on the serious nature of the charges, the Library Director may recommend to the Board of Trustees that future disciplinary action be taken in conformity with the State Education Law and the Civil Service Law.

Thereafter, the supervisor is to prepare a written report of the alleged sexual harassment and inform the complainant/employee of the resolution of the matter. The complainant is then to indicate on the supervisor's report whether or not he/she is satisfied with the resolution of the matter.

- i. Under these circumstances where the complainant is satisfied with the resolution of the complaint, the incident shall be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant/employee to report any reoccurrence of the harassment or any retaliatory action that occurs.
- ii. In the event that the complainant/employee expresses his/her dissatisfaction with the resolution of the informal complaint, the employee is required then to file a formal written complaint.
- iii. If during the investigation of the informal complaint, the accused admits the allegations but refuses to assure the appropriate supervisor that he/she will refrain from continued sexual harassment, the supervisor is directed to file a report with the office of the Director (if appropriate). The report to the Director must indicate the nature of the complaint, a detailed description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the accused's response to the allegations, and the recommendation that stronger remedial measures be taken. The report should be accompanied by an informal complaint.

- iv. Should the accused deny the allegations, the supervisor must inform the complainant/employee of the denial and state that a formal written complaint will be required for further formal action and investigation. The supervisor is then required to file a report with the Library Director on what has transpired to date. If the complainant/employee submits a formal complaint, a copy of the complaint should accompany the supervisor's report with a recommendation for further action.

b. Procedure For Formal Complaints

- i. A formal complaint may be submitted for the purpose of initially reporting any incident(s) of sexual harassment or as part of a follow-up procedure with regard to those circumstances where an employee feels that his/her informal complaint has been unsatisfactorily resolved. In the case where an employee feels that the resolution of an informal complaint is unsatisfactory, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the next appropriate level of manager (i.e., the Library Director-if appropriate).
- ii. A formal written complaint will consist of the attached complaint form, as well as a copy of any applicable supervisory report.

**4. Investigation of a Complaint**

Upon the receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow and must, where appropriate, involve the Director. The investigation must be conducted diligently, and the Director, or where appropriate a designee, must make a full report to the Board of Trustees in executive session regarding the investigation. Complainant/employee must be notified of the outcome of the investigation.

**5. Remedial Action Taken**

If the investigation performed by the appropriate library supervisor reveals to the satisfaction of the Board of Trustees, that sexual harassment has occurred, the appropriate disciplinary measures shall be taken against the offending employee in a manner consistent with the State Education Law, the Civil Service Law and the collective bargaining agreement. Based upon the seriousness of the misconduct, the penalties may range from a reprimand to a dismissal from employment in accordance with Civil Service Law and the State Education Law.

Anyone subjecting complainant/employees or witnesses to any form of retaliation shall also be subject to disciplinary action in a manner prescribed by law and consistent with any applicable provisions in the collective bargaining agreement.

If the investigation reveals to the satisfaction of the Board of Trustees that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the Board of Trustees. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed and an explanation of why the complainant is appealing. The appellant should utilize the attached appeal form.

## **6. Subsequent Remedial Measures**

After a finding of sexual harassment by the Board of Trustees, victims will be periodically interviewed by the Director (or where appropriate, a designee) to ensure that the sexually harassing activity has not resumed and that no retaliatory action has been taken against the complainant. These follow-up contacts will continue for a period of time deemed appropriate by the Board of Trustees. A report shall be made by the Library Director regarding any statements made by the victim during these meetings.

## **7. Records of Complaints**

Complainants should receive a copy of any reports regarding the resolution of allegations made by them, which are filed by supervisory personnel concerning the complaint. Copies of these records should also be filed in the personnel files of both the complainant and the alleged harasser.

- 8.** The Board of Trustees will, in the absence of a specific victim's complaint, require that an investigation be commenced by the appropriate supervisory personnel, upon learning of or having reason to suspect the occurrence of any sexual misconduct by a library employee.

**SEXUAL HARASSMENT  
SEXUAL HARASSMENT FORMAL COMPLAINT FORM**

Name and position of complainant: \_\_\_\_\_

Date of complaint: \_\_\_\_\_

Name of alleged sexual harasser: \_\_\_\_\_

Date and place of incident: \_\_\_\_\_

\_\_\_\_\_

Description of misconduct: \_\_\_\_\_

\_\_\_\_\_

Name of witnesses (if any): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Has the incident been reported before? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom? \_\_\_\_\_

What was the resolution: \_\_\_\_\_

\_\_\_\_\_

Reasons for dissatisfaction: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Policy 500-90a  
Adopted: 7/21/98**

**Policy 500-90b**

**SEXUAL HARASSMENT**

**SEXUAL HARASSMENT COMPLAINT - APPEAL FORM**

Name and position of complainant: \_\_\_\_\_

Date of appeal: \_\_\_\_\_

Date of original complaint: \_\_\_\_\_

Have there been any prior appeals? \_\_\_\_\_

If yes, when? \_\_\_\_\_

To whom? \_\_\_\_\_

Description of decision being appealed: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Why is the decision being appealed? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Policy 500-90b**  
**Adopted: 7/21/98**