

Adopted and Revised March 2, 2016
Policy 9.0

MAYWOOD PUBLIC LIBRARY DISTRICT POLICY PROHIBITING SEXUAL HARASSMENT

The Maywood Public Library District recognizes that sexual harassment is illegal under both State and Federal Law, and as a matter of policy, prohibits any form of sexual harassment of its officers or employees.

1. Definition

Sexual harassment means: unwelcome sexual advances, requests for sexual favors or any conduct of a sexual nature, when:

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

Submission to or rejection of such conduct is used as a basis for employment or other decisions affecting such individual.

Such conduct has the purpose or effect of unreasonable interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment prohibited by this policy includes verbal, physical or other conduct of a sexual nature. The terms intimidating, hostile or offensive as used above include conduct, which has the effect of humiliation, embarrassment or discomfort. Sexual harassment can occur between men and women, or members of the same gender. This behavior is unacceptable in the work place itself and in other work-related settings such as business trips and business-related social events.

2. Prohibited Conduct

Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. One example of sexual harassment is where a qualified individual is denied employment opportunities and benefits that are, instead, awarded to an individual who submits (voluntarily or under coercion) to sexual advances or sexual favors. Another example is where an individual must submit to unwelcome sexual conduct in order to receive an employment opportunity. Other examples of conduct, which could be considered sexual harassment, include:

- (a) **Persistent or repeated unwelcome flirting, pressure for dates, sexual propositions, sexual comments or touching.**
- (b) **Sexually suggestive jokes, innuendos, comments, gestures or sounds (e.g. whistling, “catcalls”, “smooching” or “kissing” noises) directed toward another, or sexually oriented or degrading comments about another; humor and jokes about sex, anatomy or gender-specific traits; obscene gestures; leering;**
- (c) **Preferential treatment of an employee, or a promise of preferential treatment to an employee, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits or advancement for refusal to consent to sexual advances;**
- (d) **the open display of sexually oriented pictures, posters, slogans or other material offensive to others;**
- (e) **retaliation against an individual for reporting or complaining about harassing conduct.**
- (f) **unwelcome hugging or kissing, pinching, brushing the body, unwelcome sexual intercourse or actual assault.**

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is subtler and depends to some extent on individual perception and interpretation. The trend in the courts is to assess sexual harassment by a standard of what would offend a “reasonable woman” or a “reasonable man”, depending on the gender of the alleged victim.

An example of the subtlest form of sexual harassment is the use of endearments. The use of terms such as “honey”, “darling”, and “sweetheart” is objectionable to many women who believe that these terms undermine their authority and their ability to deal with men on an equal and professional level.

Another example is the use of compliment that could potentially be interpreted as sexual in nature. Below are three statements that might be made about the appearance of a woman in the work place:

“That’s an attractive dress you have on.”

“That’s an attractive dress. It really looks good on you.:

“That’s an attractive dress. You really fill it out well.”

The first statement appears to be simply a compliment. The last is the most likely to be perceived as sexual harassment, depending on the individual’s perceptions and values. To avoid the possibility of offending an employee, it is best to follow a course of conduct above reproach, or to err on the side of caution.

3. Individuals Covered Under the Policy

This policy covers all officers and employees of the Library District. The Library District will not tolerate, condone or allow sexual harassment, whether engaged in by fellow employees, supervisors, or officers, or anyone doing business with or using the services of the Library District. The Library District supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents.

A. Responsibility of Individual Employees

- 1. Each individual employee has the responsibility to refrain from sexual harassment in the work place.**
- 2. An individual employee who sexually harasses a fellow worker is, of course, liable for his or her individual conduct.**
- 3. The harassing employee will be subject to disciplinary action up to and including discharge in accordance with the Library District’s policy as appropriate.**
- 4. An employee who either observes or believe herself/himself to be the object of sexual harassment is responsible for reporting the incident(s) to his/her supervisor.**

B. Responsibility of Supervisory Personnel

- 1. Each supervisor is responsible for maintaining the work place free of sexual harassment. This is accomplished by promoting a professional environment and by dealing with sexual harassment as you would deal with other forms of employee misconduct.**
- 2. The courts have found that the organization, as well as supervisors, can be held liable for damages related to sexual harassment by an officer, supervisor, employee, or third party (an individual who is not an employee but does business with an organization, such as a contractor, customer, sales representative, or repair person.)**
- 3. Specifically, a supervisor must address an observed incident of sexual harassment or a complaint with seriousness, take prompt action to investigate it, report it, and end it, recommend appropriate disciplinary action, and observe strict confidentiality. This also applies to cases where an employee tells the supervisor about behavior considered sexual harassment but does not want to make a formal complaint.**
- 4. Supervisors must report all incidents or complaints of sexual harassment to the Administrative Librarian on the date of the alleged occurrence, or on the very next business day.**
- 5. In addition, supervisors must ensure that no retaliation will result against an employee making a sexual harassment complaint.**
- 6. Supervisors in need of information regarding their obligations under this Policy or the procedures to be followed upon receipt of a complaint should contact the Administrative Librarian.**

4. Reporting

Any incident of sexual harassment must be reported by the complainant as quickly as possible but in not event later than six (6) months after the occurrence. All reports and investigative procedures shall be confidential. Reports should be made to an Administrative Librarian as outlined about as outlined above and submit a written

report to the Administrative Librarian within (7) seven days of receiving the report. If the immediate supervisor is involved in the sexual harassment the complainant may inform the Administrative Librarian directly and/or submit a written report. All complaints of sexual harassment will be investigated where indicated and a written report of the disposition of the claim will be returned to the complainant within thirty (30) days of the date upon which the Administrative Librarian, where indicated or requested, may take immediate action to eliminate further harassment by separating from contact the complainant and the suspected offender. Direct contact to the Board of Library Trustees may be made should the complaint involve actions or inaction by the Administrative Librarian.

5. Disciplinary Action

There shall be no retaliatory action taken by any employee, or supervisor or by the Administrative Librarian against any person making a sexual harassment complaint. Any employee who is found to have sexually harassed another employee shall be disciplined by the discretion of and in the manner determined appropriate by the Administrative Librarian or the Board of Library Trustees as the case may be. Notwithstanding the terms of this policy, all employees of the Library District shall remain at-will employees of the Library District and this policy does not abrogate the Library District's right to terminate employment for non-discriminatory cause or for no cause, except that retaliatory discharge for making a sexual harassment complaint is prohibited.

6. Recourse, Investigative and Complaint Process Through Illinois Department of Human Rights and The Illinois Human Rights Commission.

It is hoped that most sexual harassment complaints and incidents can be resolved through the Library District's internal complaint process established above. However, an individual has the right to contact, file a complaint with, request an investigation by, and/or seek recourse through the Illinois Department of Human Rights (the "Department") and the Illinois Human Rights Commission (the "Commission"). Any such complaint must be filed within 180 days of the incident of sexual harassment or of the incident of unlawful retaliation. The exact rules, procedures and other information regarding filing a complaint with, requesting an investigation by and/or securing recourse from the Department or Commission (including the nature and extent of such recourse) can be obtained by contacting the Department or Commission as follows:

**If the Department: Illinois Department of Human Rights
100 West Randolph Street
Suite 10-100
Chicago, Illinois 60601
312/814-6200
or 312/263-1579 – TDD**

**If the Commission: Illinois Human Rights Commission
100 West Randolph Street
Suite 5-100
Chicago, Illinois 60601
312/814-6269**