

NON-HARASSMENT POLICY

TFML Policy No. 3

It is the intent of the Thomas Ford Memorial Library (“TFML” or “Library”) 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. TFML is committed to maintaining a work environment that is free of discrimination, harassment or retaliation. In keeping with this commitment, TFML will not tolerate discrimination, harassment or retaliation against its employees by any supervisor, co-worker, or non-employees such as vendors, Library patrons, customers or guests. Similarly, harassment of non-employees, which for purposes of this Policy includes vendors, Library patrons, customers or guests, by any Library employee will not be tolerated. In addition, harassment, including sexual harassment as defined in this Policy, is a violation of both federal and State law. At the TFML, harassment, including sexual harassment, will not be tolerated.

3.1 Definition. Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person’s actual or perceived protected status, such as sex, color, race, ancestry, national origin, religion, age, disability, sexual orientation or other legally protected group status. TFML will not tolerate harassing conduct that affects tangible job benefits, or interferes unreasonably with an individual’s work performance, or creates an intimidating, hostile or offensive working environment.

The conduct forbidden by this Policy specifically includes, but is not limited to: (a) epithets, slurs, negative stereotyping, or intimidating acts that are based on a person’s protected status; and (b) written or graphic material circulated within or posted within the workplace that shows hostility toward a person or persons because of their protected status.

3.11 Sexual harassment deserves special mention. Sexual harassment is defined as any harassment or discrimination on the basis of an individual’s actual or perceived sex or gender, including unwelcome sexual advance(s), request(s) for sexual favors, other verbal or physical conduct of a sexual nature, or any conduct of a sexual nature directed at a specific person that would cause the individual emotional distress, or when:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment; or
- b. Submission to or rejection of such conduct by the individual is used as the basis for employment decisions affecting the individual; or
- c. Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment. For purposes of this definition, the phrase “working environment” is not limited to a physical location where an employee is assigned to perform his or her duties and does not require an employment relationship.

3.12 Examples of sexual harassment. Specific behaviors that TFML will consider as sexual harassment included, but are not limited to, the following:

- a. Verbal: Sexual innuendoes, suggestive comments, insults, humor and jokes about sex, anatomy or gender-specific traits, sexual propositions, threats, repeated

requests for dates, or statements about other employees, even outside their presences, of a sexual nature.

- b. Non-Verbal: Suggestive or insulting sounds (whistling), leering, obscene gestures, or sexually suggestive bodily gestures, "catcalls," "smacking," or "kissing" noises.
- c. Visual: Posters, signs, emails, printed materials, objects, or slogans of a sexual nature, viewing pornographic materials or websites.
- d. Physical: Touching, unwelcome hugging or kissing, pinching, brushing the body, any coerced sexual act or actual assault.
- e. Texts/Electronic: "Sexting" (electronically sending messages with sexual content, including images, pictures or video), the use of sexually explicit language, harassment, cyber stacking and threats via all forms of electronic communications (email, text/picture/video messages, intranet/on-line, postings, blogs, instant messages and social network platforms like Facebook, Twitter, or others).

3.13 Supervisor Responsibility. Each supervisor has the responsibility to maintain his or her workplace free from harassment. This duty includes informing all employees, as well as any other non-employee, of the substance of this Policy and assuring them that prompt action will be taken in response to claims of harassment, including remedial action when circumstances dictate. Each supervisor must also lead by example and refrain from engaging in any inappropriate conduct or behavior outlined in this Policy. If a supervisor receives a complaint of harassment directly from an employee or a non-employee or becomes aware of such conduct, the complaint shall be immediately reported to the Library Director, or her/his designee, as provided below.

Individual Responsibility. All TFML employees and non-employees are responsible to help assure that harassment is avoided. In the event that an employee or non-employee has a complaint concerning sexual or another type of harassment, or is aware that such conduct may be occurring, then the employee or non-employee should immediately report the complaint or incident as soon as possible to his or her direct supervisor, any other supervisor, or to the Library Director or her/his designee. No one making a complaint in good faith will be retaliated against, even if the complaint is not substantiated.

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 person." The use of endearments such as "honey," "darling" or "sweetheart" may be objectionable to many who believe that these terms undermine authority and the ability to communicate on an equal professional level. Unacceptable behavior is not limited to the Library staff but also includes behavior directed toward or by non-employees, including vendors, Library patrons, customers or guests. Unacceptable behavior is not limited to the work place but may include work-related social events, conferences and seminars.

3.3 Reporting Incidents of Harassment.

Individuals who observe or 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 harassment complaint.

3.31 Notification of Staff: Any incident of harassment should be reported to the Library Director, or to her/his designee, or to the employee's supervisor by the individual subjected to the unwelcome behavior as soon as possible after the occurrence(s). The individual reporting the incident may be asked to submit a complaint in writing. Following the report of the incident, TFML will conduct an investigation as provided in Section 3.4 of this Policy. If the complaint is not successfully resolved in an informal manner, a special 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 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 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.

3.34 Protection Against Retaliation: TFML will not in any way retaliate against an individual who makes a report of harassment, nor permit any employee or Trustee to do so. Retaliation is a serious violation of this Non-Harassment Policy and should be reported immediately. Any person found to have retaliated against another individual for reporting harassment, assisting in making a complaint, cooperating in an investigation of harassment, or otherwise engaging in conduct or protected activity as defined by the Illinois Whistleblower Act and the Illinois Human Rights Act will be subject to the same disciplinary action provided for harassment offenders.

3.4 Investigation of the Complaint.

3.41 Confidentiality: Any allegation of 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 it 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 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 Library Attorney. In certain circumstances, the investigation may be conducted by a third party.

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:

- a. Confirm name/position of the complainant.
- b. Identify the alleged harasser.
- c. Ascertain the facts and circumstances of the underlying complaint.
- d. Determine the extent, scope and/or frequency of the alleged harassment.
- e. Determine the existence of any witnesses to the alleged harassment.
- f. Determine if any response or report to the harassment occurred at any time prior to the investigation.
- g. Develop an understanding of the working relationship between the individual reporting the harassment and the alleged harasser.

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. If the Review Committee, or third-party investigator, determines 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, or third-party investigator, determines that no harassment has occurred, this finding will be communicated to the complainant and the alleged harasser. TFML will maintain a complete record of each complaint, as may be appropriate and as required by law. The records will be maintained in a confidential manner in the Library Director's office.

This Policy is intended to address and resolve all harassment. However, employees also have legal recourse to the investigative and complaint process of the State and Federal governments. Such complaints must be submitted within 300 days from any incident to the State and Federal governments, as follows:

Illinois Department of Human Rights
555 West Monroe Street, Suite 700
Chicago, IL 60601
(312) 814-6200
(866) 740-3953 (TTY)
www2.illinois.gov/dhr/AboutUs/Pages/contact_IDHR.aspx

United States Equal Employment Opportunity Commission
JCK Federal Building
230 S. Dearborn Street, Suite 1866
Chicago, IL 60604
(312) 872-9744
(800) 669-6820 (TTY)
(844) 234-5122 (ASL Video Phone)
info@eoc.gov

3.51 Sanctions: Individuals found to have engaged in misconduct constituting harassment, including sexual harassment, will be disciplined, up to and including discharge. Appropriate sanctions will be determined by the Library Board of Trustees.

3.52 False Accusation: False or frivolous complaints refer to cases in which the accuser is acting in bad faith and using a harassment complaint to accomplish some end other than stopping sexual harassment. False accusations of harassment can have serious effects on innocent individuals. Given the seriousness of the consequences for the accused, a false or frivolous complaint is a severe offense that can result in disciplinary action up to and including discharge.

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.

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