

Harassment Free Workplace

Work Environment

It is the policy of this Board that all employees have a right to work in an environment free of sexual harassment. Sexual harassment in the workplace includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment,
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
- Such conduct has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment.

Any employee who believes that he or she is being subjected to sexual harassment is urged to immediately report such conduct to the Library Director in accordance with the Sexual Harassment Reporting Procedure.

For purposes of this Policy, the phrase "*working environment*" is not limited to a physical location an employee is assigned to perform his or her duties and the prohibition of harassment does not require an employment relationship.

Library Employee/Patron Relationship

The Board affirms its commitment to ensuring an environment for all patrons free of sexual harassment. The Board views sexual harassment of patrons by Library employees as an abuse of authority and, therefore, such harassment will not be tolerated.

Sexual harassment of a patron by a Library employee means:

- Any sexual advance by an employee toward a patron,
- Any request by an employee to a patron for sexual favors,
- Any acceptance by an employee of a sexual advance or request for sexual favors from a patron, or
- Any conduct of a sexual nature by an employee directed toward a patron when (1) the patron's submission or rejection of such conduct is either explicitly or implicitly a term or condition of a patron's participation in any library-sponsored activity, or (2) such conduct has the purpose or effect on a patron of reasonable sensibilities, of creating an intimidating, hostile, or offensive library environment for the patron.

Any patron who suspects that she or he has encountered sexual harassment should report the incident to the Library Director or, if not immediately available, to her as soon as possible. Any employee who witnesses or has knowledge of sexual harassment by a Library employee against a patron shall immediately report it to the Library Director.

Examples

Sexual harassment prohibited by this policy includes verbal, non-verbal, or physical conduct. The terms "intimidating", "hostile", or "offensive" as used above include conduct which has the effect of humiliation, embarrassment, or discomfort.

Examples of verbal sexual harassment include: explicit sexual propositions, sexual innuendo, suggestive comments, foul or obscene language, insults of a sexual nature, and humor or jokes about sex or gender-specific traits.

Examples of non-verbal sexual harassment include: suggestive or insulting sounds, leering, whistling, obscene gestures, display of foul or obscene printed or visual material.

Examples of physical sexual harassment include: sexual touching, patting or pinching of a sexual nature, intentionally brushing the body, coerced sexual intercourse, and sexual assault.

Sexual Harassment of Nonemployees or by Nonemployees

Sexual harassment of nonemployees in the workplace by Library employees and sexual harassment of Library employees by nonemployees in the workplace will not be tolerated.

For purposes of this Policy, "*nonemployees*" in the workplace means a person who is not otherwise an employee of the Library and is directly performing services for the Library pursuant to a contract with the Library and includes contractors and consultants.

Any employee or nonemployee who either observes or believes that he or she is being subjected to or is the object of sexual harassment is urged to immediately report such conduct to the Library Director in accordance with this Policy's Sexual Harassment Reporting Procedure.

Allegations of Sexual Harassment Made Against Elected or Appointed Library Official

All members of the Board of Library Trustees for the Genoa Public Library District, whether elected or appointed, are subject to this Policy and are prohibited from sexually harassing another Library Trustee or another elected or appointed official of a governmental unit, or any employee, nonemployee, or patron in any Library working environment. Any member of the Board who violates this Policy shall be liable for his or her individual conduct.

Alleged sexual harassment by a Library Trustee against another elected or appointed official can be reported to the Board President. If the Board President is the reporting person or is implicated by the allegation, the report can be made to any other Library Trustee. Any report under this section must be referred to the District's legal counsel, who then must appoint a qualified independent attorney or consultant to review and investigate the allegations.

Duty to Report Sexual Harassment by Patrons to Fellow Patrons

All Library employees have the affirmative duty to report incidents of sexual harassment perpetrated by patrons upon fellow patrons, whether witnessed firsthand or reported to them. Such incidents must be reported to the Library Director.

Retaliation

It is a violation of this policy to retaliate or to take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination against the person raising the concern or against another individual.

It is also a violation of this policy to retaliate or to take reprisal in any way against any person who has reasonably and in good faith testified, assisted or participated in any investigation, proceeding or hearing concerning any sexual harassment claim or charge or to discriminate against such person.

Such persons also have the availability of whistleblower protections under the Illinois State Officials and Employees Ethics Act, *5 ILCS 430/1, et. al.*, the Illinois Whistleblower Act, *740 ILCS 174/1, et. al.*, and the Illinois Human Rights Act, *775 ILCS 5/1-101, et. al.*

Sexual Harassment Reporting Procedure

The following procedure shall be used by any patron or employee who suspects that he or she has been subjected to sexual harassment.

Step 1:

- Reporting by Patrons
 - Any patrons who suspects that he or she is the victim of sexual harassment by a Library employee or a fellow patron should report it to the Library Director as soon as possible.
- Reporting by Employees
 - A complaint by a Library employee that sexual harassment has occurred shall first be presented to the Library Director. If the Library Director is the subject of the complaint, then the complaint should be presented to the President of the Board.

Step 2:

If the alleged perpetrator of sexual harassment is a Library patron, normal disciplinary procedures should be followed. In all other cases, the Library Director shall meet with complainant within three (3) days of receiving the complaint to discuss the allegations. If the complainant chooses to have a representative, then the Library Director may also have a representative; such meeting, however, shall be informal. The Library Director shall issue a written decision within five (5) days of the meeting.

Step 3:

If the complainant is not satisfied with the Library Director's decision, within five (5) days of the date of that decision, an appeal may be taken to the Board President or his designee (hereinafter the words "Board President" shall include designee).

The appeal shall be in writing and shall state the reasons for appealing the Library Director's decision. Within five (5) days of receiving the appeal, the Board President shall meet with the complainant, any representatives, and the Library Director to resolve the matter. The Board President shall issue a written decision within ten (10) days of this meeting. Any employee found to have sexually harassed a patron or another employee, or retaliated against a patron or employee who alleges sexual harassment, will be subject to discipline up to and including discharge.

Step 4:

If the complainant is not satisfied with the Board President's decision, then within ten (10) days, an appeal of that decision may be made to the entire Board of Library Trustees. Such an appeal shall be instituted by filing with the Secretary of the Board a statement setting forth the reasons for the appeal. Within twenty (20) days of receiving an appeal, the Board or a committee hereof shall meet with the complainant, the Library Director, and any representatives to discuss the allegations of discrimination. The hearing with the Board shall be informal, however the complainant and the administration may present evidence, call, and cross-examine witnesses. The Board may ask questions of the complainant, the administration, and any witnesses. The rules of evidence shall not apply, however, hearsay evidence

shall not be presented for proof of any ultimate facts. Within ten (10) days after the hearing, the Board shall issue its written decision.

All hearings shall be held in private and at times convenient for the parties. In the event that the person designated to hear a complaint is the alleged offender, then the employee may immediately move to the next step of the procedure. At any step, the person hearing the complaint may conduct or direct such investigation as they deem appropriate, including obtaining a response from the alleged offender. There shall be no harassment or retaliation by any person involved in the process for any reason.

Violations and Consequences

In addition to employee discipline up to and including discharge for violations of this policy, a violation by a nonemployee patron of this policy may cause a suspension or revocation of library privileges or services. Knowingly making a false report of harassment is a violation of this policy and will be subject to the same consequences.

Annual Disclosures by the Library to the Illinois Department of Human Rights

Beginning July 1, 2020, and by each July 1 thereafter, the Library Director or his or her authorized designee shall annually report to the Illinois Department of Human Rights ("IDHR") any charges, adverse judgment, or administrative ruling against the Library for employment discrimination and sexual harassment in the preceding calendar year. Such annual report to the IDHR shall be timely submitted with all required information on such form(s) required by the IDHR.

Annual Sexual Harassment Prevention Training

Beginning January 1, 2020, and every calendar year thereafter, all employees of the Library shall annually complete the model sexual harassment prevention training program created by the IDHR prior to the end of each calendar year.

Legal Recourse, Investigative, and Complaint Process Available Through the Illinois Department of Human Rights and Human Rights Commission

Any Library patron or employee may also use the legal recourse, investigative, and complaint process through the Illinois Department of Human Rights and Human Rights Commission.

Illinois Department of Human Rights (IDHR)

- Chicago: 312-814-6200 or 800-662-3942; TTY: 866-740-3953
- Springfield: 217-785-5100; TTY: 866-740-3953
- Marion: 618-993-7463; TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

- Chicago: 312-814-6269; TTY: 312-814-4760
- Springfield: 217-785-4350; TTY: 217-557-1500

Approved: December 18, 2017

Amended: February 17, 2020