



## **Non-Harassment/Non-Discrimination Policy**

The Geneva Public Library is committed to maintaining a workplace free from all forms of unlawful harassment, including sexual harassment.

All employees (including the Executive Director and supervisors), officers, patrons, volunteers, and contractors are required to conduct themselves in a manner that prevents discrimination and harassment in the Library.

Harassment based on any legally protected basis is a form of workplace discrimination. The Library prohibits unlawful harassment against anyone for any reason, including, but not limited to:

- an individual's actual or perceived race (including traits historically associated with race, such as hair texture and protective hairstyles),
- color,
- creed,
- religion (including wearing attire, clothing, or facial hair in accordance with the tenets of religion),
- sex (including pregnancy, childbirth, or related medical conditions and transgender status),
- gender identity or expression,
- an employee's or dependent's reproductive health decisions,
- familial status,
- national origin,
- physical or mental disability (including gender dysphoria and being a certified medical marijuana patient),
- genetic information (including predisposing genetic characteristics),
- age (18 and over),
- veteran status,
- military status,
- sexual orientation,
- marital status,
- certain arrest or conviction records,
- domestic violence victim status,
- and any other status protected by law.

All employees, interns, and non-employees conducting business in the Library must refrain from engaging in unlawful harassment.

Any behavior that constitutes an immediate threat to a person's safety should be reported to the local police by calling 911.

Instances of sexual harassment may subject the Library to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

Employees will find staff-specific information on non-discrimination and harassment in the Employee Handbook.

## **1. Definitions**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity, and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing, hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence that are of a sexual nature or are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, or which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other

terms, conditions, or privileges of employment. This is also called “quid pro quo” harassment.

## **1.2 Other Unlawful Harassment**

The creation of an intimidating or hostile working environment, based on one or more of the above-protected categories, constitutes unlawful harassment. Specific types of unlawful harassment, in addition to sexual harassment covered above, include but are not limited to

- Physical harassment refers to pushing, hitting, crowding, cornering, or unwanted physical touching;
- Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive languages regarding, or made because of, an individual’s actual or perceived membership in one of the protected categories listed above;
- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual’s membership in one of the categories listed above. Specific examples include, but are not limited to email, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawings, and videos;
- Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
- Any other unwelcome conduct that creates an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual’s work performance or otherwise adversely affecting an individual’s employment opportunities.

## **1.3 Who Can Be A Target?**

Harassment can occur between any individual, regardless of sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker, or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer, or visitor.

## **1.4 Where Can Harassment Occur?**

Unlawful harassment is not limited to the physical workplace itself. It can occur while at employer-sponsored events or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

## **2. Reporting Harassment**

Preventing workplace harassment is everyone's responsibility. The Geneva Public Library cannot prevent or remedy harassment unless the Library knows about it. Any non-employee who has been subjected to behavior that may constitute unlawful harassment is encouraged to report such behavior to a supervisor or to the Executive Director. Anyone who witnesses or becomes aware of potential instances of workplace harassment should report such behavior to their supervisor or to the Executive Director. If involving the Executive Director, submit a report to the Board President.

Reports of workplace harassment may be made verbally or in writing (see *Appendix A*). All complaints or information about suspected workplace harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner and will be confidential to the extent possible.

### **3. Complaint Investigation**

All complaints or information about suspected harassment will be investigated by the Executive Director, whether that information was reported orally or in writing. In instances where the Executive Director is the target of a complaint, the Board President or their designee will replace the Executive Director in the investigation.

An investigation of any complaint, information, or knowledge of suspected harassment will be conducted as promptly, thoroughly, and confidentially as possible.

All persons involved, including complainants, witnesses, and alleged perpetrators, will be accorded due process to protect their rights to a fair and impartial investigation.

### **4. Corrective Action**

If a report of harassment is found to be valid, immediate and appropriate corrective action will be taken.

Any individual covered by this policy who engages in harassment or retaliation, or who knowingly allows harassment to continue, will be subject to remedial and/or disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

Any patron or visitor who engages in harassment will be subject to the terms of suspension outlined in the Library's [Safety Policy](#).

### **5. Retaliation**

The Library will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a harassment claim including, but not limited to, being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g. threats of physical violence outside of work hours).

Retaliation is unlawful under federal, state, and (where applicable) local law. The [New York State Human Rights Law](#) protects any individual who has engaged in a “protected activity.”

Protected activity occurs when a person has:

- Made a complaint of harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- Reported that another employee has been sexually harassed; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

## **6. Legal Protections and External Remedies**

Harassment is not only prohibited by the Library but is also prohibited by federal, state, and (where applicable) local law. Aside from the internal reporting process at the Library, non-employees or patrons 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, non-employees may seek the legal advice of an attorney.

### **6.1 New York State Division of Human Rights (DHR)**

The [Human Rights Law \(HRL\)](#) applies to employers in New York State with regard to 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 [New York State Division of Human Rights \(DHR\)](#) or in [New York State Supreme Court](#). An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR.

If a non-employee believes that they have been the subject of harassment at work, they can file a complaint with the DHR. There may be time constraints when filing a complaint with the DHR; time starts from the most recent incident of harassment. Complaining internally to the Library does not extend the time to file with DHR or in court.

For more information, contact DHR at (888) 392-3644 or visit [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint). The website also contains contact information for DHR's regional offices across New York State.

The DHR also maintains a toll-free hotline that provides counseling and accepts complaints regarding workplace sexual harassment. This hotline can be reached at 1-800-427-2773.

## **6.2 United States Equal Employment Opportunity Commission (EEOC)**

The [United States Equal Employment Opportunity Commission](#) (EEOC) enforces federal anti-discrimination laws, including [Title VII of the Civil Rights Act of 1964](#).

If an employee believes that they have been discriminated against at work, they can file a complaint with the EEOC. There may be time constraints when filing a complaint with the EEOC.

For more information about filing a complaint, contact the EEOC by calling (800) 669-4000 or (800) 669-6820 (TTY), visiting their website at [www.eeoc.gov](http://www.eeoc.gov), or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

**Adopted by the Board of Trustees:** November 28, 2018

**Amended by the Board of Trustees:** 1/29/2020, 2/23/2022, 2/22/2023, 9/25/2024

**Reviewed by the Policy Review Committee:** 2/13/2023

## Appendix A

# Harassment Complaint Form

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for employees to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual or other forms of workplace harassment, you are encouraged to complete this form and submit it to the Executive Director via email at [genevalibrarydirector@owwl.org](mailto:genevalibrarydirector@owwl.org) or via certified mail to Geneva Public Library, 244 Main St, Geneva NY 14456, to the attention of the Executive Director. Contact the Library Board President for complaints regarding the Executive Director. Once you submit this form, the Geneva Public Library will follow its Non-Harassment/Non-Discrimination policy and investigate any claims, as outlined in the Library's policy. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting orally or in another manner, the Library will still follow its Non-Harassment/Non-Discrimination policy and investigate the claim.

### Complainant Information

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Name of Accused: \_\_\_\_\_

Accused's Organization or Business: \_\_\_\_\_

Accused's Relationship to You: \_\_\_\_\_

### Complaint Information

1. Please describe what happened and how it is affecting your work or you personally. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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2. Date(s) incident(s) occurred: \_\_\_\_\_

3. Is the conduct still continuing?  Yes  No

4. Please list the name(s) and contact information of any witness(es) or individual(s) that may have information related to your complaint.

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***The next question is optional but may help the investigation.***

5. Have you previously complained or provided information (verbal or written) about harassment at the Geneva Public Library? If yes, when and to whom did you file the complaint or provide information?

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***If you have retained legal counsel and would like us to work with them, please provide their contact information below.***

Attorney's Name: \_\_\_\_\_

Attorney's Phone Number: \_\_\_\_\_

Attorney's Email Address: \_\_\_\_\_

**I acknowledge that all information provided above is true, complete, and accurate to the best of my knowledge.**

Completed By: \_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Library Representative Receiving Complaint

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title