

SEXUAL HARASSMENT

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Prohibition of Sexual Harassment

The library is committed to providing a workplace free from all forms of discrimination, including sexual harassment. Any behavior that meets the definition of sexual harassment is considered misconduct and will result in disciplinary action, up to and including termination or removal.

This policy is part of the overall compliance with federal and state nondiscrimination laws including Title VII of the Civil Rights Act of 1964 (as amended in 2009) and the Illinois Human Rights Act.

SEE Illinois Department of Human Rights Sexual Harassment Model Policy and has been modified to conform to Public Act 100-0554.

Any library official, employee, or agent is prohibited from engaging in sexual harassment of any person, regardless of whether an employment relationship exists. No person should be subjected to unsolicited or unwelcomed sexual overtures or conduct in the workplace. A professional work environment free from sexual harassment, coercion, and hostility is expected and required. Reports of sexual harassment will be investigated promptly, thoroughly, impartially, and as confidentially as possible, consistent with the need to conduct an effective investigation.

All library officials, employees and agents are expected to be familiar with this policy and to abide by its requirements.

Definition of Sexual Harassment

According to the Illinois Human Rights Act, sexual harassment is defined as:

Any 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 the basis for employment decisions affecting such individual; or
- 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.

Examples of Prohibited Conduct

Sexual harassment can occur in many forms, including but not limited to:

- Verbal: sexual innuendos, jokes, propositions, threats, repeated requests for dates, or comments of a sexual nature.
- Non-verbal: whistling, leering, obscene gestures, or sexually suggestive sounds.
- Visual: sexually explicit posters, signs, slogans, or viewing pornographic material.
- Physical: unwelcome touching, hugging, kissing, pinching, brushing against the body, coerced sexual acts, or assault.
- Textual/Electronic: “sexting” the use of sexually explicit language, harassment, cyberstalking, or threats through mail, text, video blogs, instant messages or social media.

Courts assess sexual harassment based on whether the conduct would offend a reasonable person in similar circumstances.

Reporting Procedures

Individuals who observe or believe they have been subjected to sexual harassment should address the situation directly by clearly communicating that the conduct is unwelcome. In addition, if the individual feels threatened or uncomfortable, the incident must be promptly reported to the library director or board president.

Reports may be made in the following ways:

1. Direct Communication: Clearly state to the offender that the behavior is unwelcome and must stop. Initial communication may be verbal; follow-up communication should be in writing if necessary.
2. Contact with Library Director/Board President: If direct communication is not feasible or effective, the behavior should be reported immediately to the library director or board president.

Individuals should not assume the library is aware of harassment without a report. Reports will be accepted and investigated regardless of whether they are verbal, written, or anonymous. However, the cooperation of the reporting individual is critical to ensuring an effective investigation and resolution.

Resolution and External Options

The library will promptly, thoroughly, and effectively respond to all reports of sexual harassment. In addition, individuals have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) to file a formal complaint.

- IDHR complaints must be filed within 180 days of the alleged incident.
- EEOC complaints must be filed within 300 days of the alleged incident.

Individuals are encouraged to keep documentation of any incidents, including dates, times, places, witnesses, and descriptions of conduct.

Prohibition of Retaliation

Individuals will not face retaliation for making a good-faith report of sexual harassment or for participating in an investigation. Retaliation includes reprimand, discharge/removal, suspension, demotion, denial of promotion, or changes in employment terms or conditions as a consequence of reporting.

This protection is also reinforced by the State Officials and Employees Ethics Act (5 ILCS 430/15-10), the Whistleblower Act (740 ILCS 174), and the Illinois Human Rights Act (775 ILCS 5/6-101). Individuals who experience retaliation may also file complaints with IDHR or EEOC within the applicable timelines.

Consequences of Violations

Individuals who violate this policy or the prohibition of sexual harassment under 5 ILCS 430/5-65 may be subject to:

- Disciplinary action, up to and including termination or removal
- Fines of up to \$5,000 per offense
- Other applicable penalties under state and federal law

Each violation may constitute a separate offense.

While all reports will be investigated, knowingly making a false or frivolous report is itself a serious offense. Individuals who intentionally make a false report may be subject to disciplinary action, up to and including termination or removal. Additionally, under Illinois law, intentionally filing a false report with an ethics commission or law enforcement agency may result in criminal penalties and fines.

Training Requirement

In compliance with 775 ILCS 5/2-109 and the Illinois Human Rights Act, (IHRA), all employees and board members are required to complete annual sexual harassment prevention training. Documentation of training completion will be maintained by the library director (for staff) and the board secretary (for board members).