

BRADLEY PUBLIC LIBRARY DISTRICT
PUBLIC USE OF THE LIBRARY POLICY

SECTION 6: LIBRARY BEHAVIOR
PART 3: Sexual Harassment

The Bradley Public Library District prohibits harassment in any form on the basis of sex or gender. The courts have determined that sexual harassment is a form of discrimination under Title VII of the Civil Rights Act of 1964 as amended in 1991 as well as the Illinois Human Rights Act .

A. WORK ENVIRONMENT

It is the policy of this Board that all employees have a right to work in an environment free of sexual harassment. This policy adopts the definition of sexual harassment as stated in the Human Rights Act, which currently defines sexual harassment as:

Any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a term of condition of an individual's employment,
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or
3. 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 in accordance with the Sexual Harassment Reporting Procedure.

B. 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:

1. Any sexual advance by an employee toward a patron,
2. Any request by an employee to a patron for sexual favors,
3. Any acceptance by an employee of a sexual advance or request for sexual favors from a patron, or
4. Any conduct of a sexual nature by an employee directed toward a patron when (i) the patron's submission to 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 (ii) 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 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 Director or to their immediate supervisor.

C. 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.

Conduct which may constitute sexual harassment includes:

Verbal: explicit sexual propositions, sexual innuendo, suggestive comments, repeated requests for dates, statements of a sexual nature about other employees even outside their presence, and insults, humor or jokes about sex, anatomy, or gender-specific traits.

Non-verbal: suggestive or insulting sounds, leering, whistling, obscene gestures, and sexually suggestive bodily gestures.

Visual: posters, signs, pin-ups or slogans of a sexual nature, and viewing pornographic material or websites.

Physical: sexual touching, unwelcome hugging or kissing, patting or pinching of a sexual nature, intentionally brushing the body, any coerced sexual act, and sexual assault.

Textual/Electronic: the use of sexually explicit language, harassment, cyber stalking and threats via all forms of electronic communication (e-mail, text/picture/video messages, intranet/on-line postings, blogs, instant messages and social network websites like Facebook and Twitter).

The most severe and overt forms of sexual harassment are easier to determine. On the other end of the spectrum, some sexual harassment is more subtle and depends, to some extent, on individual perception and interpretation. The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

D. 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 Director or to their immediate supervisor.

E. 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:

A. Reporting by Patrons

Any patron 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 Director as soon as possible.

B. Reporting by Employees

A complaint by a Library employee that sexual harassment has occurred shall first be presented to either the Director or to the employee's immediate supervisor. If the Director or supervisor 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 Director shall meet with the complainant within three (3) days of receiving the complaint to discuss the allegations. If the complainant chooses to have a representative, then the Director may also have a representative; such meeting, however, shall be informal. The Director shall issue a written decision within five (5) days of the meeting.

Step 3:

If the complainant is not satisfied with the 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 Director's decision. Within five (5) days of receiving the appeal, the Board President shall meet with the complainant, any representatives, and the 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 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.

Employees also have the right to contact the Illinois Department of Human Rights (IDHR) or the Equal Employment Opportunity Commission (EEOC) for information regarding filing a formal complaint with those entities. An IDHR complaint must be filed within 180 days of the alleged incident(s) unless it is a continuing offense. A complaint with the EEOC must be filed within 300 days.

Illinois Department of Human Rights

Chicago Office
100 West Randolph Street 222
Chicago, IL 60601

(312) 814-6200

Springfield Office
South College
Springfield, IL 62704

(217) 785-5100

Equal Employment Opportunity Commission (EEOC)
500 West Madison St, Suite 2000
Chicago, IL 60661

(800) 669-4000

F. PROHIBITION ON RETALIATION

No Bradley Public Library District official or employee shall take any retaliatory action against any library employee due to a library employee's:

1. Disclosure or threatened disclosure of any violation of this policy,
2. The provision of information related to or testimony before any public body conducting an investigation, hearing or inquiry into any violation of this policy, or
3. Assistance or participation in a proceeding to enforce the provisions of this policy.

For the purposes of this policy, retaliatory action means the reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any library employee that is taken in retaliation for a library employee's involvement in protected activity pursuant to this policy.

No individual making a report will be retaliated against even if a report made in good faith is not substantiated. In addition, any witness will be protected from retaliation. Such individuals also have the availability of whistleblower protections under the State Officials and Employees Ethics Act (5 ILCS 430/15-10), the Whistleblower Act (740 ILCS 174/15(a)), and the Illinois Human Rights Act (775 ILCS 5/6-101).

G. CONSEQUENCES OF VIOLATION OF POLICY

An employee who violates this Policy will be subject to disciplinary action, up to and including immediate discharge pursuant to library policies, procedures, and employee handbooks. A non-employee patron who violates this Policy will be subject to a suspension or revocation of library privileges or services pursuant to library policies and procedures. Each case will be reviewed on an individual basis.

H. CONSEQUENCES FOR KNOWINGLY MAKING A FALSE REPORT

A false report is a report of sexual harassment made by an accuser using the sexual harassment report to accomplish some end other than stopping sexual harassment or retaliation for reporting sexual harassment. A false report is not a report made in good faith which cannot be proven. Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary action. Any person who intentionally makes a false report alleging a violation of any provision of this policy shall be subject to discipline or discharge pursuant to applicable library policies, procedures, and/or employee handbooks.

Approved March 16, 2011; Revised: January 17, 2018