

# **Dunlap Public Library District Anti-Harassment and Non-Discrimination Policy**

Adopted 28 June 1993

Last Updated 23 August 2021

The Dunlap Public Library District is committed to maintaining a work environment that is free of all forms of discrimination and harassment, including sexual harassment, which are all illegal under the Illinois Human Rights Act (IHRA) and Title VII of the U.S. Civil Rights Act of 1964 (Title VII). In keeping with this commitment, the Dunlap Public Library District will not tolerate discrimination or harassment by anyone, including any supervisor, employee, vendor, customer, consultant, contractor, board member, or other regular visitor of the Dunlap Public Library District. Violation of this policy shall be considered grounds for disciplinary action up to and including termination.

## A. Discrimination

Discrimination consists of employment actions taken against an individual based on an actual or perceived characteristic protected by law, such as sex, race, color, ancestry, national origin, citizenship status, religion, age, disability, marital status, sexual orientation, gender identity, pregnancy, military or veteran status, genetic information, order of protection status, or any other category protected by applicable law. In other words, discrimination occurs when an individual is treated differently or unequally because the individual is a member or perceived member of a protected group.

## B. Harassment

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's actual or perceived protected status such as race, color, ancestry, national origin, citizenship status, religion, sex, pregnancy, sexual orientation, gender identity, age, disability, marital status, military or veteran status, genetic information, order of protection status, or any other category protected by applicable law. Dunlap Public Library District will not tolerate harassing conduct that affects tangible job benefits, interferes 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 stereotypes 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 because of his or her actual or perceived protected status.

### C. Sexual Harassment

Sexual harassment, as defined by the IHRA, consists of unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature where:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment;
2. Submission to or refusal to engage in such conduct is used as the basis for any employment decisions affecting such individual; or
3. 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 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.

Sexual harassment, as defined above, may include, but is not limited to:

1. Uninvited sex-oriented verbal "kidding" or demeaning sexual innuendoes, leers, gestures, teasing, sexually explicit or obscene jokes, remarks or questions of a sexual nature;
2. Graphic or suggestive comments about an individual's dress or body;
3. Displaying sexually explicit objects, photographs, writings, or drawings;
4. Unwelcome touching, such as patting, pinching or constant brushing against another's body; or
5. Suggesting or demanding sexual involvement of another individual, whether or not such suggestion or demand is accompanied by implicit or explicit threats concerning one's employment status or similar personal concerns.

Even if two or more individuals are engaging in consensual conduct, such conduct could constitute harassment of or discrimination against another individual who witnesses or overhears the conduct.

Sexual harassment of nonemployees in the workplace by Library employees and sexual harassment of Library employees by nonemployees in the workplace also will not be tolerated. For purposes of this Policy, "*nonemployees*" in the workplace means a patron or library user, or 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 Administration in accordance with this Policy's Sexual Harassment Reporting Procedure.

#### D. Investigation Procedure

Everyone is responsible to help ensure that harassment and discrimination do not occur and are not tolerated. An individual who believes that he or she has been subjected to sexual or other types of harassment or discrimination, or who has witnessed harassment or discrimination, should immediately submit a complaint to his or her supervisor, any other manager or supervisor, or the Library Director. If a manager or supervisor receives a complaint of harassment or discrimination or becomes aware of such conduct, the complaint or conduct shall be immediately reported to the Library Director.

The Library Director, or their designee, shall promptly investigate all complaints and make all reasonable efforts to resolve the matter informally. These efforts shall include, but are not limited to, hearing the complaint directly, providing an opportunity for the accused to address the complaint, and meeting with the concerned parties to go over the results of the investigation, convening conferences with the complainant and/or the accused to discuss the complaint.

Complaints by an elected/appointed official against another elected/appointed official shall be submitted to the Library Director. The Library Director shall, in consultation with legal counsel for the Dunlap Public Library District, ensure that an independent review is conducted with respect to such allegations.

The right to confidentiality, both of the complainant and of the accused, will be respected consistent with Dunlap Public Library District's legal obligations and with the necessity to investigate allegations of misconduct and to take corrective action when this conduct has occurred.

A substantiated complaint against an employee will subject the individual to disciplinary action, up to and including termination. The Dunlap Public Library District will also take appropriate action to address a substantiated complaint of discrimination or harassment by a third party or non-employee. If an investigation results in a finding that the complainant falsely accused another of harassment or discrimination knowingly or in a malicious manner, the complainant will be subject to appropriate discipline, up to and including the possibility of termination.

#### E. Retaliation Prohibited

Reporting harassment or discrimination or participating in an investigation will not reflect adversely upon an individual's status or affect future employment. Any form of retaliation against an individual who reports harassment or discrimination or participates in an investigation is strictly prohibited by the Illinois Human Rights Act, the Illinois State Officials and Employees Act, the Illinois Whistleblower Act, Title VII of the Civil

Rights Act of 1964, and Dunlap Public Library District policy. Any individual who retaliates against another for exercising his or her rights under this policy shall be subject to discipline, up to and including termination.

#### F. Consequences of a violation of the Prohibition of Sexual Harassment

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 termination.

In addition to employee discipline up to and including discharge for violations of this policy, a violation by a non-employee patron of this policy may cause a suspension or revocation of library privileges or services.

#### G. 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 termination pursuant to applicable policies, employment agreements, procedures, employee handbooks and/or collective bargaining agreements and if a non-employee contractor or patron, may cause a suspension or revocation of library privileges or services.

#### H. Sexual Harassment Reporting Procedure

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

##### Step 1:

##### a. Reporting by Patrons

Any patron who suspects that they are the victim of sexual harassment by a Dunlap Public Library District employee or a fellow patron should report it to the Library Director as soon as possible. All reports are strictly confidential.

##### b. Reporting by Employees

A complaint by a Dunlap Public Library District employee that sexual harassment has occurred shall first be presented to either the Library Director or to the employee's immediate supervisor. If the Library Director is the subject of the complaint, then the complaint should be presented to the President of the Board of Trustees or their designee

(hereinafter the words “Board President” shall include designee). All reports are strictly confidential.

Step 2:

If the alleged perpetrator of sexual harassment is not a Dunlap Public Library District employee, the Patron Conduct Policy will be followed. In all other cases, the Library Director or President of the Board 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 Library Director or President of the Board may also have a representative; such meeting, however, shall be informal. The Library Director or President of the Board 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 or President of the Board’s decision, then within five (5) days, an appeal of that decision may be made to the entire Board of Trustees. Such an appeal must be filed with the Secretary of the Board and include reasons for the appeal. Within twenty (20) days of receiving an appeal, the Board or a committee hereof, shall meet with the complainant, 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. 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.

I. Resolution Outside Dunlap Public Library District

The purpose of this policy is to establish prompt, thorough and effective procedures for responding to every complaint and incident so that problems can be identified and remedied internally. However, an individual has the right to contact the Illinois Department of Human Rights (IDHR) and/or the Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. An IDHR or EEOC complaint must be filed within 300 days of the alleged incident(s) unless it is a continuing offense.

Contact Information:

Illinois Department of Human Rights (IDHR)

- Springfield: 217-785-5100; TTY: 866-740-3953

Illinois Human Rights Commission (IHRC)

- Springfield: 217-785-4350; TTY: 217-557-1500

J. 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 their 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 IDHR.

K. 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, or any other suitable prevention training program qualifying under the law, prior to the end of each calendar year.