

Sexual Harassment Prevention Policy

Purpose and Goals

Nyack Library is committed to maintaining a workplace free from sexual harassment, discrimination, and retaliation and provide the tools to take action when it occurs.

To this purpose, an annual review of this policy **and** the annual mandatory New York State training on sexual harassment prevention are required of all employees and members of the Board of Trustees of the Nyack Library each calendar year.

While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same.

All employees, managers, and department heads are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the Library's commitment to a discrimination-free work environment.

Definition of Sexual Harassment

Sexual Harassment is any behavior that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and or sexual orientation. Sexual harassment is a form of gender-based behavior. It involves unwelcome sexual conduct that:

- Creates an intimidating, hostile or offensive work environment;
- Is used as the basis for hiring or other employment decisions, such as promotions, raises or job assignments;

The harasser can be a supervisor, a co-worker, or someone who is not an employee, such as a patron or a Trustee. Behavior that constitutes harassment does not need to be severe, pervasive, or continuous to violate this policy.

Sexual harassment may be verbal, visual and/or physical, including:

- Sexually offensive remarks or jokes;
- Unwanted touching or groping;
- Coerced sex acts;
- Requests for favors of a sexually suggestive nature (e.g., asking employee to dig coins out of a supervisor's pants pocket);
- Displaying pornographic images;
- Comments (either complimentary or derogatory) about a person's gender or sexual preferences;
- Sexual gestures (e.g., pantomiming sex acts);
- Gender role stereotyping and treating employees differently because of their gender (such as asking a female employee to make coffee).

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and**

should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should report it. Reporting of any sexual harassment is covered by the Library's Whistleblower Policy.

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy.
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms such as e-mail and in messaging apps can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Intentional misuse of an individual's preferred pronouns; or

- Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of Library-related programs or event

Examples of Sexual Harassment

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit, derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee'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**. Any employee or covered individual who feels harassed should report the behavior so that any violation of this policy can be addressed promptly. Any harassing conduct, even a single incident, is covered by this policy.

Supervisory Responsibilities

Department heads and managers have a legal responsibility to prevent harassment, discrimination, and retaliation, per the New York State sexual harassment prevention training video. All department heads and managers who receive a complaint or information about suspected harassment, discrimination, or retaliation or observe what may be harassing, discriminatory, or retaliatory behavior, or for any reason suspect that harassment, discrimination, or retaliation is occurring, are required to report such suspected behavior to the Library Director or Assistant Director or the Library Board President if the complaint is about the Director.

Department heads and managers can be disciplined if they engage in any harassing or discriminatory behavior themselves. Department heads and managers can also be disciplined for failing to report suspected harassment, discrimination, or retaliation or allowing harassment, discrimination, or retaliation to continue after they know about it.

Department heads and managers will also be subject to discipline for engaging in any retaliation.

While department heads and managers have a responsibility to report harassment, discrimination, and retaliation, they must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and retraumatizing for individuals. Department heads and managers

must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation. Department heads and managers should not be passive and wait for an employee to make a claim of harassment, discrimination, or retaliation. If they observe such behavior, they must act.

Bystander Intervention

Bystander intervention is built on the idea that we all play a role in creating safe public spaces for each other when we see our neighbors and community members facing bias, discrimination, or harassment. Any employee witnessing harassment as a bystander is **encouraged** to report it. A department head or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when witnessing harassment or discrimination and wanting to help; while not exhaustive and dependent on the circumstances, these guidelines serve as a brief guide on how to respond when harassment occurs in the workplace. Though not exhaustive, and dependent on the circumstances, they can serve as a brief guide of how to react when witnessing harassment in the workplace.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Complaints and Investigations of Harassment, Discrimination, and Retaliation

All complaints or information about harassment, discrimination, and retaliation will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected harassment, discrimination, and retaliation will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment, discrimination, or retaliation claim, witnesses, and alleged perpetrators deserve a fair and impartial investigation.

Any Library staff or volunteers may be required to cooperate as needed in an investigation of suspected harassment, discrimination, and retaliation. The Library will

take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in Library investigations.

The Library recognizes that participating in a harassment, discrimination, or retaliation investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Director or Assistant Director or the Board President:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions as appropriate.

- a. Ex: instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment, discrimination, or retaliation)

If the complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Director or Assistant Director or the Board President will prepare a complaint form or equivalent documentation based on the verbal reporting;

2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Director or Assistant Director or the Board President, will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment, discrimination,

or retaliation and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and

7. Will inform the individual(s) who reported of the right to file a complaint or charge externally to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission.

Legal Protections and External Remedies

Discrimination and harassment is not only prohibited by the Nyack Library, but is also prohibited by federal, state, and where applicable, local law.

Aside from the internal process at the Library, individuals may also choose to pursue legal remedies with the following governmental entities.

- The New York State Division of Human Rights (<https://dhr.ny.gov/complaint>) and/or
- The United States Equal Employment Opportunity Commission (www.eeoc.gov).

Important Notice Regarding Staff Complaints

Employees are expected to follow the Library's organizational structure when reporting concerns whenever possible. Staff should utilize the established chain of command and report complaints to the appropriate supervisory personnel. If a complaint involves an immediate supervisor, or if an employee is uncomfortable reporting through the normal hierarchy, the concern should be directed to the next appropriate level of management or Human Resources in accordance with Library policy.

VI. EMPLOYEE RESPONSIBILITIES

F. STAFF CONDUCT AND WORK RULES

To ensure orderly operations and maintain a professional work environment, Nyack Library expects employees to adhere to standards of conduct that protect the interests, safety, and well-being of all employees and the organization. Friendly, prompt, and efficient service must be provided to patrons at all times. Patience, professionalism, tact, and self-control are expected in all interactions with patrons and colleagues. Employees are expected to be courteous, dependable, cooperative, and adaptable in the performance of their duties.

It is not possible to identify every form of behavior that may be considered unacceptable in the workplace. Conduct that is dishonest, unethical, illegal, or otherwise inconsistent with Library policies will not be tolerated. Examples of infractions that may result in disciplinary action, up to and including termination of employment, are outlined in the Employee Handbook (2026, p.13).

Adoption and use of this Staff Complaint Form does not constitute a conclusive determination that misconduct has occurred, nor does it serve as a definitive defense against allegations related to staff conduct. Each complaint will be reviewed in accordance with applicable laws and Library policies, with careful consideration given to the specific facts and circumstances of each situation.

Staff Complaint Submission and Review Process

This form is provided as a resource for employees to formally report workplace concerns or potential policy violations. Submission of a complaint does not automatically trigger disciplinary action; rather, it initiates a review process.

Completed forms must be submitted to **HumanResources@nyacklibrary.org**.

Human Resources or Administration will acknowledge receipt of the complaint within approximately 24 hours, excluding weekends and holidays. Following receipt, the Library will conduct a prompt and appropriate review to determine whether misconduct may have occurred and whether any policies, including those outlined in the Employee Handbook, have been violated.

Where appropriate, the Library may conduct an investigation. Employees who are the subject of allegations will be afforded an opportunity to respond before any final employment determination is made.

The Library reserves the right to take interim measures as appropriate during the review or investigative process.

There is no fixed timeline for resolving complaints, as each matter is addressed on a case-by-case basis to ensure a thorough and fair review. However, Human Resources will provide periodic status updates, typically on a weekly basis, to confirm that the matter remains under active review.

To the extent possible, complaints and related investigations will be handled with discretion. Information will be shared only with those who have a legitimate business need to know.

The Library strictly prohibits retaliation against any employee who, in good faith, submits a complaint, participates in an investigation, or otherwise raises a workplace concern. Any employee who believes they have experienced retaliation should report the concern immediately to Human Resources.

COMPLAINANT INFORMATION

Name:

Job Title:

Email:

Phone Number:

SUPERVISORY INFORMATION

Name:

Job Title:

Have you brought this to your supervisor's attention?

• Yes

• No

COMPLAINT INFORMATION

Name:

Job Title:

Relationship to you:

• Supervisor

• Subordinate

• Co-worker

• Other

1. Please describe what happened. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

2. Please describe how this matter has impacted you and your ability to perform your job responsibilities, including any effects within the scope of the Employee Handbook or workplace policies. If additional space is needed, please attach supplemental pages along with any relevant documentation or supporting evidence.

3. Date(s) occurred:

4. Is the behavior continuing?

• Yes

• No

5. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

6. Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

Employee Acknowledgment

I certify that the information provided in this complaint is true and accurate to the best of my knowledge. I understand that knowingly providing false or misleading information may result in disciplinary action, up to and including termination of employment.

Name (print):

Date:

Signature (typed or written):

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