

## DANIEL BOONE REGIONAL LIBRARY

**SUBJECT: Sexual Harassment**

**ADMIN 1-291**

### **BOARD**

**SECTION: 200 – Employment Policies**

**Approved: 11/16/95**

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### **POLICY**

The Daniel Boone Regional Library (DBRL) is committed to providing a professional work environment free from all forms of unlawful discrimination and from conduct that can be considered harassing, coercive or disruptive, including sexual harassment.

DBRL will not tolerate, condone, or allow sexual harassment whether engaged in by employees, management, or anyone doing business with or using the services of the library. DBRL supports and encourages reporting of all incidents of sexual harassment, regardless of who the offender may be, and will promptly investigate all reported incidents.

Sexual harassment is a form of misconduct that undermines the integrity of the employment relationship. No employee – regardless of gender – should be subjected to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical.

***Disciplinary action will be taken against employees who are found to be in violation of this policy. Such disciplinary actions will be determined by the severity of the offense and will be imposed in accordance with Policy 1-281 (Disciplinary Action).***

Sexual harassment, whether committed by supervisory or non-supervisory personnel, is specifically prohibited as unlawful and is against DBRL's policy. In addition, management personnel are responsible for taking appropriate action upon receipt of notice of alleged sexual harassment by non-supervisory personnel or others. Management is responsible for taking action regardless of the manner in which DBRL becomes aware of the conduct. Supervisors and Department Managers are responsible for discussing this policy with their respective employees to ensure consistent application and understanding.

### **SEXUAL HARASSMENT DEFINED**

Sexual harassment is a specific type of sex discrimination that is prohibited under Title VII of the Civil Rights Act of 1964. The Equal Employment Opportunity Commission (EEOC), the federal agency that is responsible for the enforcement of Title VII provisions defines sexual harassment as:

Unwelcome sexual advances (either verbal or physical) and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is either an explicit or implicit term or condition of employment, (i.e. promotion, training performance evaluations, etc.); or
- Submission to or rejection of the conduct is used as a basis for making employment decisions; or
- The conduct has the purpose or effect of interfering substantially with an individual's work performance, or creating an intimidating, hostile, or offensive work environment.

According to the EEOC, sexual harassment does not, however, always have to be of a sexual nature. For example, it can include offensive remarks about a person's sex. Thus harassing an individual by making offensive comments about their gender or sex in general is prohibited.

### **FILING A COMPLAINT**

Any employee who feels she or he has been the subject of sexual harassment (Complainant) should immediately report the alleged sexual harassment to their supervisor or Department Manager. If making a Complaint to the Complainant's supervisor or Department Manager is not appropriate because either person is the subject of the employee's Complaint, the Complainant should instead deliver the Complaint to the Human Resource Manager. If the Human Resources Manager is the subject of the Complaint, the Complainant should deliver the Complaint to the Human Resource Manager's supervisor.

After notification of an employee Complaint, the supervisor or Department Manager will immediately convey the Complaint to the Human Resource Manager, or if the Complaint is against the Human Resource Manager, then to the Human Resource Manager's supervisor, for appropriate action. The "Investigator" (the Human Resource Manager or the Human Resource Manager's supervisor) will begin an investigation, in which confidentiality is maintained as is appropriate to the circumstances and investigation. The Complaint, or the existence thereof, may be disclosed to those persons who need to know information regarding the Complaint, including but not limited to the person who is the subject of the Complaint and any witnesses.

The Investigator will gather facts within three (3) working days after the date of their receipt of notification of the charge. "Working days" shall be exclusive of Saturdays, Sundays and holidays. While the investigation is pending, the Executive Director may take action as deemed appropriate to protect the Complainant. The Investigator will complete the investigation and provide a written report to the Executive Director within fifteen (15) working days from the date of the Investigator's receipt of the Complaint. The Executive Director will determine a resolution of the case within five (5) working days of the Executive Director's receipt of the report. If warranted, disciplinary action will be taken, up to and including involuntary termination. If the Executive Director is the subject of the Complaint, the DBRL Board (Board) may act in the interim to protect the Complainant and will render a determination regarding resolution.

All records of Complaints, and the investigation and the disposition thereof, shall be maintained by the Investigator and shall not be a part of any employee's regular

personnel file. Notation of transfer, suspension, termination, or other disciplinary action resulting from a Complaint may be noted in an employee's regular personnel file. Access to such records shall be limited to the Investigator and the Executive Director (or the Board in the case that the Executive Director is the subject of the Complaint) and to such other persons as specifically authorized by the Executive Director or Board.

If the Executive Director is the subject of the Complaint and the Board votes to discipline her or him in regard to said Complaint, certain information regarding the Complaint will be made public as required by law.

Although they are encouraged to resolve Complaints through DBRL's internal process, employees may also or alternatively file a Complaint as allowed by federal and/or state law.

This policy prohibits retaliation against employees who bring sexual harassment charges or assist in investigating charges in good faith. Any employee participating in the filing or investigation of a Complaint in good faith will not be adversely affected in the terms or conditions of employment, nor discriminated against or discharged because of the filing of the Complaint or the participation in the investigation thereof.

**NOTE: NOTWITHSTANDING THE FOREGOING, GIVEN THE SERIOUSNESS OF THE CONSEQUENCES FOR THE ACCUSED, A KNOWINGLY FALSE OR UNFOUNDED CHARGE IS A SEVERE OFFENSE THAT CAN RESULT IN DISCIPLINARY ACTION.**