

Section 2.4 Harassment Policy

It is the policy of the Matteson Public Library that all employees have the right to work in an environment free from all forms of harassment. The library does not condone, and will not tolerate, any form of harassment.

No employee or member of the public shall either explicitly or implicitly ridicule, mock, deride or belittle any other person, nor use profane language.

Neither the public nor employees shall make offensive or derogatory comments based on race, gender, national origin, religion, disability, pregnancy, age military status, and any other categories protected by State or Federal Law, either directly or indirectly. Such misconduct is subject to disciplinary action for employees, or removal from the library for members of the public.

It is illegal for any person to:

- Harass another person by making unwelcome sexual advances or other verbal or physical conduct by creating an intimidating, hostile or offensive environment.
- Physically assault another person or to attempt to commit an assault.

All supervisory employees are required to refrain from engaging in any type of harassment. Each supervisor has the responsibility to assist any employee, or patron, of the library who comes to that supervisor with a complaint of harassment. Each supervisor, or librarian on duty, will be responsible for preventing acts of harassment by:

- Monitoring the library or their assigned work area for signs of harassment.
- Training all employees on what constitutes harassment, on the type of behavior prohibited, and the Library's policy and procedures for reporting and resolving complaints.
- Stopping any observed acts that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved persons are within his/her line of supervision; and reporting any and all incidents to the Director.
- Taking immediate action to prevent retaliation toward the complaining party and to limit the contact between two persons where there has been a complaint of harassment, pending investigation.

Failure of any supervisor to carry out the responsibilities listed above is serious misconduct and may be grounds for discipline up to and including dismissal.

Each employee is responsible for assisting in the prevention of harassment through

- . Refraining from participation in, or encouragement of, actions that could

be perceived as harassment.

- . Reporting acts of harassment to a supervisor.
- . Encouraging any employee, who confides that he/she is being harassed, to report these acts to a supervisor.

2.4: 1 Responsibilities of the Public

Volunteers, members of the public, vendors, trades people, others conducting business with the Library, and elected and appointed officials are required to refrain from engaging in any type of harassment, as defined by this policy, while conducting business with the Library. Supervisory staff will make an effort to determine the facts of the situation upon its being reported by an employee or observed by the supervisor.

When the supervisor is satisfied that harassment of an employee by a member of the public has or is taking place, the supervisor shall immediately warn the patron or member of the public that he or she is in violation of this policy and that the behavior will not be tolerated. This warning may be made orally and/or in writing. The person who violates this policy may be required immediately to leave the Library premises, including grounds or parking lots.

In the event of a second violation of the policy, the person who violates this policy shall be barred from use of the Library pending further investigation, and the matter will be referred to the Police Department.

2.4:2 Harassment Reporting Procedures

The Library will document all incidents. The following procedure shall be used by any patron or employee who suspects that he or she has been subjected to harassment.

Step 1:

- A. Reporting by Patrons: Any patron who suspects that he or she is the victim of harassment by a Library employee or a fellow patron should report it to the head librarian as soon as possible.
- B. Reporting by Employees: A complaint by a Library employee that harassment has occurred shall first be presented to either the head librarian or to the employee's immediate supervisor. If the head librarian or supervisor is the subject of the complaint, then the complaint should be presented to the President of the Board of Trustees.

Step 2:

If the alleged perpetrator of harassment is a Library patron, normal disciplinary procedures should be followed. In all other cases, the head librarian shall meet the complainant within three (3) days of receiving the complaint to discuss the allegations. If the complainant chooses to have a representative then the head librarian may also have a representative; such meeting, however, shall be informal. The head librarian shall issue a written decision within five (5) days of the meeting.

Step 3:

If the complainant is not satisfied with the head librarian'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 head librarian's decision. Within five (5) days of receiving the appeal, the Board President shall meet with the complainant, any representatives and the head librarian to resolve the matter. The Board President shall issue a written decision within ten (10) days of this meeting. Any employee found to have harassed a patron or another employee, or retaliated against a patron or employee who alleges 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 head librarian, 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.

**LEGAL RECOURSE, INVESTIGATIVE, AND COMPLAINT PROCESS
AVAILABLE THROUGH THE ILLINOIS DEPARTMENT OF HUMAN RIGHTS
AND HUMAN RIGHTS COMMISSION**

Any library patron or employee may also use the legal recourse investigative, and complaint process through the Illinois Department of Human Rights and Human Rights Commission. The address and telephone numbers are:

Illinois Department of Human Rights
222 S. College, Room IOIA
Springfield, IL 62700

(217)785-5100

2.4:3 Conduct of Investigation

The Library Director is the internal investigations authority designated by the Library Board of Trustees and shall be responsible for investigation and/or overseeing the investigation of any complaint alleging harassment. The Library Director shall take steps to ensure proper documentation of the incident(s) complained by, the person(s) alleged to be performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which it occurred. During the conduct of the investigation, the Library Director shall take steps to ensure that:

- . The police are notified immediately if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape;
- . Care is taken to avoid actions that appear to punish the complainant;
- . Transfer or reassignment of any of the parties involved is voluntary if possible and, if non-voluntary, should be temporary, pending the outcome of the investigation;
- . The complaining party's confidentiality is maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

A file of harassment complaints shall be maintained in a secure location. Incidents resulting in a formal finding of harassment shall be reported to the Library Board of Trustees.

2.4:4 Retaliation

Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying or participating in the investigation of such a complaint, is illegal.

Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedure established for harassment complaints. Monitoring to ensure that retaliation does not occur is the responsibility of the Library Director.

This policy updates and replaces the policy Section 15.15 entitled, "Sexual Harassment Policy" which covered Sexual Harassment and was adopted by the Matteson Public Library Board of Trustees on March 14, 1994.