



## Sexual Harassment Policy

Effective Date: October 23, 1993

### I. POLICY OVERVIEW/DESCRIPTION

Sexual harassment is against the law. The Kellogg-Hubbard Library prohibits and will not tolerate discrimination or harassment based on sex, race, color, religion, national origin, age, disability, marital status, sexual preference, veteran status or any other status protected by applicable state and federal laws.

### II. DEFINITION AND EXAMPLES

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature are sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of employment.
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting the individual.
3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to the following, when such acts or behavior fall under one of the above definitions:

- explicitly or implicitly conditioning any term of employment on the provision of sexual favors;
- touching or grabbing a sexual part of a person's body;
- touching or grabbing any part of a person's body after that person has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask a person to socialize on or off-duty when that person has indicated they are not interested;
- displaying or transmitting sexually suggestive images if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;

- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment
- derogatory or provoking remarks, harassing acts or behavior directed against a person on the basis of his or her sex or sexual orientation; or
- off-duty conduct which falls within the above definition and affects the work environment.

### **III. REPORTING**

The Kellogg-Hubbard Library is required to investigate if it learns of potential sexual harassment, even if the aggrieved person does not wish to formally file a complaint. Any investigation and its results will be treated as confidential to the extent feasible.

Any person who believes that she or he has been the target of sexual harassment, or who believes they have been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop. If the person subjected to the harassment does not wish to communicate directly with the alleged harasser or harassers, or if direct communication has been ineffective, then the person with the complaint is encouraged to report the situation as soon as possible to their supervisor. In the event the grievance is against the employee's supervisor, the matter should be taken to the other Library Co-Director.

Failure by a supervisor to appropriately report or address such sexual harassment complaints or suspected acts shall be considered to be in violation of this policy.

If the allegation of sexual harassment is found to be credible, the supervisor will inform the complaining person and the accused person of the results of the investigation and what actions will be taken to ensure that the harassment will cease. Actions range from a verbal warning, up to and including dismissal.

If the allegation is not found to be credible, the person with the complaint and the accused person shall be so informed, with appropriate instruction provided to each, including the right of the complainant to contact the appropriate state or federal agency.

A person need not be the subject of the sexual harassment to report the offensive conduct to this employer. Persons reporting or participating in an investigation of sexual harassment will be protected by this policy and by state and federal law. It is helpful to an investigation if the person keeps a diary of events and the names of people who witnessed or were told of the harassment, if possible.

### **IV. RELEVANT STATE AGENCIES**

If the person with the complaint is dissatisfied with the result of the workplace investigation, or is otherwise interested in doing so, she or he may file a complaint by writing or calling any of the following state or federal agencies:

- Vermont Attorney General's Office, Civil Rights Unit, 109 State Street, Montpelier, VT 05609, ago.civilrights@vermont.gov, tel:(888)745-9195
- Equal Employment Opportunity Commission, John F. Kennedy Federal Building, 475 Government Center, Boston, MA 02203, <https://www.eeoc.gov/employees/charge.cfm>, tel:1-800-669-4000 (voice)
- Vermont Human Rights Commission, 14-16 Baldwin Street Montpelier, VT 05633-6301, email: human.rights@vermont.gov, tel: 1-800-416-2010

Complaints must be filed within 360 days of the adverse action (300 days in the case of the EEOC). Each of these agencies may conduct impartial investigations, facilitate conciliation, or pursue a civil action in state or federal court. Although individuals are encouraged to file their complaint of sexual harassment through this employer's complaint procedure, an individual is not required to do so before filing a charge with these agencies. In addition, a complainant also has the right to hire a private attorney and to pursue a civil action in Superior Court.

No employee will be retaliated against for making a complaint in good faith regarding a violation, or for participating in good faith in an investigation. If an employee feels that he or she has been retaliated against, the employee should file a complaint using the procedures set forth above.

## V. REFERENCES

*21 VSA § 495h Sexual Harassment.*

*Kellogg-Hubbard Library Employee Handbook*

*United States Equal Employment Opportunity Commission <https://www.eeoc.gov/sexual-harassment>*

*[Sample Policy from the Vermont Department of Labor.](#)*

## VI. REVISION HISTORY

This policy supersedes any Library policies and practices in existence prior to its effective date. All earlier revisions of this document are superseded by this revision. The Kellogg-Hubbard Library Board of Trustees reviewed and approved this procedure on (November 17, 2021).

Date	Revision #	Modification
2021-11-17	2.0	Policy updated.
1993-10-23	1.0	New policy approved by KHL Board of Trustees.