

NYLA SEXUAL HARASSMENT POLICY

Article I -- Policy

It is the New York Library Association's (NYLA) policy to promote a work place free from sexual harassment. Each individual has the right to work in a professional atmosphere which promotes equal opportunities and prohibits discriminatory practices, including sexual harassment. Sexual harassment, whether verbal, physical, or environmental, is unacceptable and will not be tolerated.

Article II -- Definition:

For purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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:

- unwanted sexual advances;
- demands for sexual favors in exchange for favorable treatment or continued employment;
- repeated sexual jokes, flirtation, advances or propositions; verbal abuse of a sexual nature; graphic, verbal commentary about an individual's body, sexual prowess, or sexual deficiencies; leering, whistling, touching, pinching; suggestive insulting, or obscene comments or gestures of a sexual nature, or display in the work place of sexually-suggestive objects or pictures after it has been made clear that these activities are unacceptable.

Article III -- Guidelines

1. This policy covers all employees of NYLA. NYLA will not tolerate, condone, or allow sexual harassment, whether engaged in by fellow employees, supervisors, managers, or by outside clients or other non-employees who conduct business with NYLA. NYLA encourages reporting of all incidents of sexual harassment regardless of who the offender may be.
2. All supervisory personnel within NYLA are responsible for eliminating any and all forms of sexual harassment of which they are aware. Any management personnel made aware of sexual harassment and fails to take corrective action pursuant to this policy will be subject to discipline up to, and including, termination.
3. While NYLA encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his or her behavior is unwelcome, NYLA also recognizes that power and status of disparities between an alleged person harassing and a target may make such a confrontation impossible. In the event that such informal, direct communication between individuals is either ineffective or impossible, the NYLA Executive Director or Council should be alerted through the procedure outlined below.
4. NYLA will not in any way retaliate against an individual who makes a report of sexual harassment, nor will NYLA permit any employee to do so. Retaliation is a serious violation of this sexual harassment policy and should be reported immediately.

Article IV -- Procedures

1. A report of an alleged violation of this policy should be made immediately to the NYLA Executive Director or Council President.
2. An investigation of the alleged harassment will be handled through the NYLA Executive Director or NYLA Council in a confidential manner so as to protect the privacy of persons involved. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances. In pursuing the investigation, the NYLA Executive Director or NYLA Council will seek to take the wishes of the complainant into consideration, but will thoroughly investigate the matter as appropriate under the circumstances. The alleged offender will be made aware of the report and will be given an opportunity to respond and present witnesses. The NYLA Executive Director or NYLA Council will keep the complainant informed as to the status of the investigation. Upon completion of the investigation of a sexual harassment complaint, the NYLA Executive Director or NYLA Council will recommend the appropriate action to be taken. If NYLA Executive Director or NYLA Council concludes that harassment occurred, the harasser will be subject to appropriate disciplinary action, as described below. The complainant will be informed of the disciplinary action taken.
3. In the event the harassment cannot be substantiated, this finding will be communicated to the complainant in an appropriately sensitive manner. The complainant is always free to provide additional evidence which will also be investigated.
4. If any party directly involved in a sexual harassment investigation is dissatisfied with the outcome or resolution, that individual has the right to appeal the decision. The dissatisfied party should submit his/her written comments in a timely manner to the NYLA Executive Director or NYLA Council.
5. Employment conditions of the complainant and witnesses will be in no way adversely affected through use of this procedure, subject to paragraph 7, below.
6. Individuals found to have engaged in misconduct constituting sexual harassment will be disciplined, up to and including termination. Appropriate sanctions may also include written reprimand, referral to counseling and withholding pay.
7. If an investigation results in a finding that the complainant falsely accused another of sexual harassment knowingly or in a malicious manner, the complainant will be subject to appropriate sanctions, including the possibility of termination.