

XII. Health, Safety, and Security of Patrons and Employees

XII-A: Sexual Harassment

The Mahomet Public Library District strongly opposes sexual harassment in any form. Sexual harassment is against library policy and is a violation of Title VII of the Civil Rights Act of 1964, as amended in 1991, as well as the Illinois Human Rights Act, as amended on January 7, 1993. Sexual harassment is unacceptable misconduct which affects individuals of all genders and sexual orientations. It is also unlawful to retaliate against a person who has lodged a complaint of sexual harassment.

Work Environment

It is the policy of this Board that all employees have a right to work in an environment free of sexual harassment. This policy adopts the definition of sexual harassment as stated in the Illinois Human Rights Act, which defines sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Library Employee/Patron Relationship

The Board affirms its commitment to ensuring an environment for all patrons free of sexual harassment. The Board views sexual harassment of patrons by library employees as an abuse of authority and, therefore such harassment will not be tolerated. Likewise, sexual harassment of library employees by patrons is a violation of the Rules of Conduct and will not be tolerated (see *VIII. Rules of Conduct*).

Sexual harassment of a patron by a library employee or of an employee by a patron means:

- Any sexual advance
- Any request for sexual favors
- Any acceptance by an employee of a sexual advance or request for sexual favors from a patron
- Any conduct of a sexual nature by an employee directed toward a patron when (i) the patron's submission to or rejection of such conduct is either explicitly or implicitly a term or condition of a patron's participation in any library-sponsored activity, or (ii) such conduct has the purpose or effect on a patron of reasonable sensibilities of creating an intimidating, hostile, or offensive library environment for the patron

Any patron who suspects that she or he has encountered sexual harassment should report the incident to the Library Director as soon as possible. Any employee who witnesses or has knowledge of sexual harassment by a library employee against a patron shall immediately report it to the Library Director. Any employee who is being sexually harassed by a patron shall immediately report this to the Director.

Examples

Sexual harassment prohibited by this policy includes verbal, non-verbal, electronic, and physical conduct. The terms "intimidating," "hostile," or "offensive" as used above include conduct that has the effect of humiliation, embarrassment, or discomfort.

Examples of verbal sexual harassment include: explicit sexual propositions; sexual innuendos; suggestive comments; foul or obscene language; insults of a sexual nature; repeated requests for dates; humor or jokes about sex, anatomy, or gender-specific traits; and statements of a sexual nature about other employees, even outside their presence.

Examples of non-verbal sexual harassment include: suggestive or insulting sounds, such as whistling, catcalls, or "kissing" noises; obscene gestures; leering; and the display of foul or obscene printed or visual material, such as posters, signs, slogans of a sexual nature, or pornographic material or websites.

Examples of physical sexual harassment include: unwelcome touching, hugging, kissing, pinching, intentionally brushing the body, coerced sexual intercourse, and sexual assault.

Examples of electronic sexual harassment include: sexting (sending messages with sexual content, including pictures, video, or sexually explicit language), cyber stalking, and threats via any form of electronic communication, including, but not limited to, email, text messages, online postings, blogs, instant messages and social network platforms.

Retaliation

It is a violation of this policy to retaliate or to take reprisal in any way against anyone who has articulated any concern about sexual harassment or discrimination, according to whistleblower protections available under Illinois Public Act 100-0554, the Whistleblower Act and the Illinois Human Rights Act.

Consequences of Policy Violation

The consequences of a violation of the prohibition on sexual harassment or the *Prohibition on Sexual Harassment* contained in 5 ILCS 430/5-65 may be subject to a fine of up to \$5,000 per offense; applicable discipline or discharge by the library; and any fines and penalties established pursuant to local ordinance, State law or Federal law. Each violation may constitute a separate offense.

The courts will assess sexual harassment by a standard of what would offend a "reasonable person."

Consequences of Knowingly Making a False Report

Given the seriousness of the consequences for the accused, a false or frivolous report is a severe offense that can itself result in disciplinary or legal action. A false report is **not** a report made in good faith that cannot be proven.

Duty to Report Sexual Harassment by Patrons to Fellow Patrons

All library employees have the affirmative duty to report incidents of sexual harassment perpetrated by patrons upon fellow patrons, whether witnessed firsthand or reported to them. All incidents must be documented with any report (what was said or done, the date, the time and the place) and reported to the Library Director.

Sexual Harassment Reporting Procedure

An employee who either observes sexual harassment or believes herself/himself to be the object of sexual harassment should deal with the incident(s) as directly and firmly as possible by clearly communicating her/his position to the offending employee. The employee is further urged to report such conduct immediately to the Director in accordance with the Sexual Harassment Reporting Procedure.

The following procedure shall be used by any patron or employee who suspects that he or she has been subjected to sexual harassment.

Step 1

Reporting by Patrons

Any patron who suspects that he or she is the victim of sexual harassment by a library employee or a fellow patron should report it to the Library Director as soon as possible. If the Director is the subject of the complaint, then the complaint should be presented to the President of the Board of Trustees.

Reporting by Employees

A complaint by a library employee that sexual harassment has occurred shall first be presented to the Library Director. If the Director 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 sexual harassment is a library patron, normal disciplinary procedures should be followed. In all other cases, the Library Director shall meet with the complainant within three (3) days of receiving the complaint to discuss the allegations. If the complainant chooses to have a representative, then the Director may also have a representative; such meeting, however, shall be informal. The Director shall issue a written decision within five (5) days of the meeting.

Step 3

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

Illinois Department of Human Rights
222 S. College, Rm. 101A, Springfield, IL 62700
(217) 785-5100

XII-B: Drug Free and Alcohol Free Library

The Mahomet Public Library District has long recognized that the non-medical use of controlled substances is hazardous to the health of the patrons and employees of the library. Additionally, the use of alcohol by patrons is recognized as both hazardous and often illegal, and the irresponsible use of alcohol by employees is detrimental to the library environment. The illicit manufacture, use, possession, or distribution of controlled substances, look-alike drugs, drug paraphernalia, and the manufacture, use, possession, or distribution of alcoholic beverages, marijuana, and its derivatives as defined by Illinois and Federal statute, at any time, is not permitted at any library location.

“Library location” means in any library building, on any library premises, in any library-owned vehicle, or at any library-sponsored activity where patrons or employees are engaged in activities under the jurisdiction of the library. This shall include any period of time when an employee is supervising students on behalf of a school district or is otherwise engaged in library business.

Any employee who violates the term of the library’s drug and alcohol policy may be suspended or terminated pursuant to the rules and regulations of the library and applicable state statutes. The library may in its discretion refer incidents to appropriate legal authorities for prosecution when this policy is violated. Sanctions against employees shall be in accordance with prescribed library regulations and procedures. The library’s employees, as a condition of their employment, agree to abide by the terms of this policy and to notify the library, no later than five (5) days after a conviction, of any criminal drug or alcohol statute conviction for a violation occurring at a library location. The library, if or when required by law, shall report such conviction to the appropriate authorities.

A patron who violates the terms of this policy may be expelled from the library location involved or any library location at the discretion of the library, and use privileges may be suspended for a specified period of time. The library may, in its discretion, refer incidents to appropriate legal authority for prosecution when this policy is violated. Sanctions against patrons shall be in accordance with prescribed library regulations and procedures.

The library shall obtain and make available materials from local, system, state, and national anti-drug and alcohol abuse organizations and, where appropriate, enlist the aid of community and state organizations with drug and alcohol information and rehabilitation programs to provide information to the library patrons and employees.

In order to make patrons and employees aware of the dangers of drug and alcohol abuse, notice of the Standard of Conduct imposed by this policy and the sanctions imposed for violation of this policy shall be distributed to all employees and prominently posted at the library for patrons and employees to see. Patrons and, in the case of minors, their parents shall be advised of this policy in the same manner as they are advised of the general disciplinary policies and procedures. Employees shall receive copies of the notice attached as an appendix to this policy.

The library shall conduct a biennial review and evaluation of the measures taken by this policy to determine its effectiveness and to implement changes to the program where needed. Additionally, the biennial review and evaluation shall determine whether or not the sanctions required by this policy are consistently in force.

XII-C: Smoke Free Environment

The Smoke-free Illinois Act [410 ILCS 82; Public Act 095-0017] prohibits smoking in virtually all public places and workplaces, including libraries. Smoking is prohibited in the library and within 15 feet of the entrance.

XII-D: Bloodborne Pathogen Control

While normal library operations are not likely to involve circumstances exposing employees or users to bloodborne pathogens, the Mahomet Public Library complies with Illinois Department of Labor regulations and therefore the federal Occupational Safety and Health Administration regulations relating to occupational exposures to bloodborne pathogens which have been incorporated by administrative actions.

Exposure Determination

No particular job classification of the library has occupational exposure (meaning “reasonably anticipated...contact with blood or other potentially infectious materials that may result from the performance of an employee’s duties”); however, emergencies may occur with staff or patrons, particularly youth or elderly patrons, to which library employees in all classifications may be called upon to respond with assistance. Or emergencies with “out of control” individuals (e.g. biting, spitting, etc.) could present an individual threat.

Universal Precautions

All potential circumstances of exposure must be taken into account by the library and its employees to protect against exposures. Hepatitis B (HBV), human immunodeficiency virus (HIV), and other bloodborne pathogens found in human blood and other body fluids cause life-threatening diseases. In emergency or other such circumstances, when contact with blood or other potentially infectious materials may result, the library’s approach to infection control requires all human blood and body fluids to be treated as if known to be infectious for HIV, HBV, and other bloodborne pathogens. Engineering and work practice controls shall be used to eliminate or minimize employee exposures, and if a possibility of exposure remains, personal protective equipment shall also be used.

Exposure Control Plan

At any time within the library environment that human blood, human body fluids, or other potentially infectious materials are presented, the area contaminated shall be immediately cordoned off and quarantined, even if the entire library must be closed to accomplish this completely. Personal protection clothing, such as gloves, gowns, masks, etc., shall be provided and used in the cleanup and safe disposal of contaminated waste such as diapers, blood-tinged materials (e.g. Band-Aids, gauze, cotton, clothing, etc.), etc. If advisable, a professional hazardous/contaminated cleanup firm shall be contacted and retained for complete cleanup and decontamination. The quarantine shall be effective until complete cleanup and disposal is obtained. Hand-washing facilities are provided by the library and must be used by the employees as soon as feasible, including following the removal of personal protective equipment. A complete record of all incidents, exposures, cleanup, and disposals shall be kept as required by the regulations.

Training and Immunizations: The library shall provide directly or through Library System, State, or associational programs, annual in-service training/educational programs for all affected employees. Any employee who has an occupational exposure shall be offered, at no charge, the hepatitis B vaccine series, in accordance with the regulations. Following the report of an exposure incident, the library will make immediately available to the exposed employee or employees a confidential medical evaluation and follow-up as provided in the regulations.
