

## **Stillwater Public Library – Anti-Discrimination/Anti-Harassment Policy**

The Library prohibits discrimination, including harassment, of any employee by anyone in the workplace (including supervisors, co-workers, directors, consultants, vendors and other non-employees) for any illegal discriminatory reason, including race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, and any other classification protected by federal, state or local law. Such discrimination, including harassment, is prohibited by law and by Library policy. The behavior of individuals engaging in such conduct, or supervisors or managers who knowingly allow such behavior to continue, will not be tolerated.

***ALL LIBRARY PERSONNEL, WHETHER SUPERVISORY OR NON-SUPERVISORY, ARE PROHIBITED FROM ENGAGING IN THE CONDUCT PROHIBITED BY THIS POLICY.***

### **1. Definition of Unlawful Harassment**

#### **a. In General**

The Library prohibits all forms of unlawful discrimination. Unlawful harassment is a form of unlawful discrimination.

The Library prohibits harassment on the basis of any classification protected by federal, state or local law. Unlawful harassment includes unwelcome or inappropriate verbal, physical or other communication or conduct that denigrates or shows hostility or aversion to a person and/or group and:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with the individual's work performance.

Depending upon circumstances, unlawful harassment may include (but is not limited to): jokes, epithets, slurs, negative stereotyping; threatening, intimidating or hostile acts; or written or graphic material including e-mail that denigrates or shows hostility or aversion toward an individual or group on the basis of race, color, sex, national origin, ethnicity, military or veteran status, mental or physical disability, marital status, sexual orientation, genetic information/predisposition or carrier status, age, religion, creed, domestic violence victim status, or any other classification protected by law.

#### **b. Definition of Sexual Harassment**

Sexual harassment is among the types of discrimination and harassment prohibited by the Library's Anti-Discrimination/Anti-Harassment Policy. Sexual harassment includes unwelcome sexual advances and requests for sexual favors. Depending upon the facts of the particular

situation, other unwelcome conduct that may constitute harassment includes, but is not limited to, the following, when such conduct occurs in the workplace or between employees, or between employees and clients, away from the workplace:

- Verbal: repeated sexual innuendos, sexual epithets, derogatory slurs, off-color jokes, propositions, threats, or suggestive or insulting sounds;
- Visual/Non-Verbal: derogatory posters, cartoons or drawings; suggestive objects or pictures; graphic commentaries; leering; or obscene gestures;
- Physical: unwanted physical contact, including touching, interference with an individual's normal work movement, or assault; and
- Other: making or threatening reprisals to an individual who opposes, objects to or complains about illegal discrimination including harassment.

Such verbal and physical conduct may constitute harassment 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 the 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.

### **c. Definition of Other Types of Harassment**

Harassment on the basis of race, color, gender, national origin, disability, sexual orientation, age, religion, protected activity or any other protected category is defined as verbal, physical, or other communication or conduct that denigrates or shows hostility or aversion and:

- Has the purpose or effect of creating an intimidating, hostile, or offensive work environment; or
- Has the purpose or effect of unreasonably interfering with the individual's work performance.

## **2. Retaliation**

The Library will not take any action in retaliation against any employee who, in good faith and with a genuine belief that s/he has been discriminated against or harassed, brings or voices a complaint pursuant to this policy. In addition, the Library will not tolerate any retaliatory acts by other individuals.

Retaliation is a serious violation of Library policy and the law. Any employee who believes s/he has been subjected to retaliation in violation of this policy should immediately report his/her

claim in the manner specified in Section 3 below. Individuals will be subject to disciplinary action, up to and including termination of employment, if they are found to have retaliated against a Library employee because such employee: (1) made a good faith discrimination complaint; (2) participated honestly and in good faith in any investigation into a discrimination complaint; and/or (3) opposed acts of unlawful discrimination in the workplace.

Individuals who knowingly bring false charges of discrimination, including harassment, against another Library employee or other individual shall be subject to disciplinary action, up to and including termination of employment.

### **3. Procedure for Reporting Discrimination and/or Harassment**

If any employee believes that the actions or words of a supervisor/manager, fellow employee, customer, vendor, or other individual in the workplace constitute illegal harassment or discrimination, the employee has a responsibility to promptly report that behavior to the Library Director or Board President. Prompt reporting enables the Library to stop the discrimination, including harassment, before it becomes severe or pervasive.

Any individual who believes s/he has been the victim of any form of unlawful discrimination, including harassment, shall promptly give notice of her/his claim to one or all of the following:

- the Library Director;
- the Board President; and/or
- another Board officer.

Employees may formally or informally notify any of the above personnel and are not required to complain within their chain of command. Complaints may be made verbally or in writing. All employees are required to report all formal and informal complaints as well as any suspected or known policy violations immediately to the Library Director, even if the complaining employee asks to keep the complaint confidential or does not wish to file a formal complaint. All trustees and supervisors shall act promptly and appropriately to prevent discrimination, including harassment, in the workplace and retaliation against those who complain of discrimination, including harassment, or those who participate in good faith and honestly in an investigation of a complaint or opposition to unlawful discrimination in the workplace.

All complaints of discrimination, including harassment, will be reviewed and investigated promptly and impartially by the Library Board. Once the Library receives notice of any complaint of alleged discrimination, including harassment, it will swiftly determine whether or not a fact-finding investigation is necessary. If it is determined that a fact-finding investigation is necessary, it will be promptly initiated. If necessary, intermediate measures may be taken before completing the investigation to ensure that further unlawful discrimination, including harassment, does not occur. Moreover, the Library will protect the confidentiality of the allegations to the extent possible; however, no individual can be promised or guaranteed strict or absolute confidentiality.

Corrective or disciplinary action will be taken against any employee found to have engaged in illegal discrimination, including harassment. Such action may include counseling and/or appropriate disciplinary measures, up to and including termination of employment.

The complaining party will be given notice, in a timely fashion, of the outcome of the investigation of any formal or informal complaint.

An individual who believes s/he has been the victim of any form of discrimination, including harassment, also has the option of filing a complaint with the New York State Division of Human Rights and/or the Equal Employment Opportunity Commission (EEOC), as well as pursuing any other remedies permitted by law. (Employees who work and/or reside outside New York State also have the option to contact their local state agency.) The timeframes for filing a complaint with these administrative agencies should be confirmed by contacting the agencies themselves and/or counsel. As a general matter, the timeframe for filing a complaint with the New York State Division of Human Rights is one (1) year from the date of the alleged act of unlawful discrimination, including harassment. In New York, a complaint with the EEOC must be filed within three hundred (300) days from the date of the unlawful discrimination, including harassment. The employee must note that these time limits do NOT run from the date that the complaint made to the Library is resolved but from the date on which the act of discrimination, including harassment, is alleged to have occurred.

Please note that nothing herein constitutes legal advice, and the above is provided for informational purposes only.

#### **4. Conclusion**

The Library has developed this policy and procedure to ensure that all its employees work in an environment free from illegal discrimination, including illegal harassment. Any questions regarding this policy and procedure should be brought to the attention of the Library Director.

**Approved: September 12, 2017**

**Review Date: 3/13/2018, 5/14/2019, 9/13/2022**

**Stillwater Public Library – Harassment/Discrimination Form**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to Library Director or the Board of Trustees. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, your employer should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

**COMPLAINANT INFORMATION**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Select Preferred Communication Method:

- Email
- Phone
- In person

**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made about:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Work Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:

- Supervisor
- Subordinate
- Co-Worker
- Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? Yes No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***Instructions for Employers***

*If you receive a complaint about alleged sexual harassment, follow your sexual harassment prevention policy.*

*An investigation involves:*

- Speaking with the employee*
- Speaking with the alleged harasser*
- Interviewing witnesses*
- Collecting and reviewing any related documents*

*While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.*

*Document the findings of the investigation and basis for your decision along with any corrective actions taken and notify the employee and the individual(s) against whom the complaint was made. This may be done via email.*