

# **Bethlehem Public Library HARASSMENT POLICY**

*Policy adopted by Board of Trustees July 15, 2002  
This policy supersedes the Sexual Harassment Policy adopted December 14, 1998  
Policy revised September 13, 2004  
Policy revised October 10, 2006  
Policy revised November 10, 2008  
Policy revised April 11, 2011  
Policy revised December 10, 2012*

## **PURPOSE**

It is the policy of the library to provide and maintain a work place environment free from discrimination based on sex, race, color, religion, national origin, marital status, age, disability, sexual orientation, and any other class protected by law. Harassment based on these characteristics is a form of unlawful discrimination when submission to or rejection of this conduct affects an individual's employment, unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.

## **POLICY**

The library considers discriminatory harassment to be a form of employee misconduct and considers this type of misconduct to be a serious offense which will not be tolerated. Allegations of discriminatory harassment will be investigated thoroughly and if substantiated, will be met with appropriate corrective and/or disciplinary action commensurate with the seriousness of the offense(s), and in accordance with state and federal law.

This policy applies to all job applicants and employees of the library and prohibits harassment, discrimination, and retaliation whether engaged in by fellow employees, by a supervisor or manager, or by someone not directly connected to the library (e.g., an outside vendor, consultant, or patron). This policy also applies to library-sponsored events.

## **DEFINITIONS**

Harassment based on sex is defined as unwelcome sexual advances and other offensive verbal or physical conduct of a sexual nature. Other unlawful harassment is defined as verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of race, color, religion, national origin, marital status, age, sexual orientation, disability or any other protected status.

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 explicitly or implicitly a term or condition of an individual's employment (e.g. promotion, training, assignments, etc.);
- submission to or rejection of such conduct by an individual is used as a 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 specific behaviors that may be considered sexual harassment include, but are not limited to:

- spoken or written words related to an employee's sex
- any sexual advance that is unwelcome
- sexually oriented comments
- showing or displaying pornographic or sexually explicit objects or pictures in the workplace, including through computers, cell phones and other electronic media
- offensive touching, patting or pinching
- requests for sexual acts or favors
- abusing the dignity of an employee through insulting or degrading sexual remarks or conduct
- threats, demands or suggestions that an employee's work status is contingent upon her/his toleration of or acquiescence to sexual advances
- subtle pressure for sexual activities
- leering at a person

Sexual harassment is gender neutral and may involve members of the same or different gender.

Other unlawful harassment:

Harassment on the basis of any other protected characteristic is also prohibited. Under this policy, prohibited harassment is verbal or physical conduct that is offensive to or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability or marital status, and that (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace (including through e-mail) of written or graphic material that denigrates or shows hostility or aversion toward an individual or group, based on an individual's protected class.

## **COMPLAINT PROCEDURES**

Employees who believe they have been subjected to unlawful harassment have the right to file a written or verbal complaint with a supervisor, the personnel administrator or the library director. Telephone numbers for these staff members are on the Staff Telephone List. The supervisor or personnel administrator will immediately forward the written complaint or a summary memo of a verbal complaint to the library director, unless the library director is the alleged harasser, at which time the complaint will be forwarded to the board president. A prompt investigation of the allegations will be conducted and the findings will be documented. To the extent possible, this investigation will be conducted in a confidential manner that protects the identity of all parties. The complaining employee will be informed in writing of the outcome of the investigation.

## **INVESTIGATIONS**

If, after investigation, an accused harasser is found to have violated the policy, appropriate disciplinary action will be taken against the offender. Discipline will be based on the facts and circumstances of each case.

If the library determines that an employee made an intentionally dishonest or malicious complaint, disciplinary action will be taken against the complainant. Any employee who knowingly assisted the complainant will also be disciplined.

The library prohibits any form of retaliation against an employee who files a legitimate unlawful harassment complaint or assists in the investigation of a complaint. Retaliation is against the law and is considered to be a form of misconduct and will not be tolerated. Employees who retaliate against other employees who complain about harassment and/or participate in an investigation of harassment will be subject to disciplinary action.

The library director is responsible for the administration of this policy. In the event there is a complaint against the director or a conflict of interest, a complaint shall be filed with the president of the board of trustees. The president may conduct an investigation or designate an individual to investigate and issue a report.

This policy does not preclude the filing of discriminatory harassment complaints with either the New York State Division of Human Rights or the Federal Equal Employment Opportunity Commission, or the pursuing of any other remedies as permitted by law.

## **RESPONSIBILITIES OF MANAGERS/SUPERVISORS**

All managerial and supervisory personnel of Bethlehem Public Library shall be responsible for enforcing this policy and shall have particular responsibility for ensuring that the work environment under their supervision is free from discriminatory harassment and its effects. Failure of a manager or supervisor to comply with this responsibility may result in disciplinary action.

All managerial and supervisory personnel who receive discriminatory harassment complaints will be responsible for immediately forwarding such complaints to the library director.

Bethlehem Public Library will conduct periodic training for managerial and supervisory personnel on the issues surrounding discriminatory harassment, its effects and its appearances, and the role and responsibility of managerial/supervisory personnel in preventing incidents of harassment complaints.

Bethlehem Public Library shall distribute this policy to all library employees and all others covered by its parameters. Copies of this policy will be distributed to new employees as they are hired.

Copies of this policy will be conspicuously posted.