

PLAINEDGE PUBLIC LIBRARY

POLICY REGARDING HARASSMENT BASED ON RACE, COLOR, RELIGION, SEXUAL PREFERENCE, GENDER IDENTITY OR EXPRESSION, SOCIOECONOMIC STATUS, NATIONAL ORIGIN, AGE, DISABILITY AND/OR VETERAN STATUS

Adopted by Board of Trustees December 28, 1993
October 17, 2022

The Board of Trustees and the administration of the Plainedge Public Library recognize their responsibility to encourage employees to maintain a workplace environment free of discriminatory intimidation or harassment.

A. Definition

1. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sexual preference, gender identity or expression, socioeconomic status, national origin, age, disability, and/or veteran status, or that of his/her relatives, friends or associates, and that

- a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance; or
- c) otherwise adversely affects an individual's employment opportunities.

2. Harassing conduct includes, but is not limited to, the following:

- a) epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts, that relate to race, color, religion, gender, national origin, age or disability, and
- b) written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of race, color, religion, sexual preference, gender identity or expression, socioeconomic status, national origin, age, disability, and/or veteran status, or that of his/her relatives, friends or associates, and that is placed on walls, bulletin boards, or elsewhere on Library premises, or circulated in the workplace.

3. Employee shall mean any and all persons working for the Library, in a paid or volunteer capacity.

4. Immediate supervisor shall mean the person to whom the employee is directly responsible (e.g., supervisor, Library Director).

B Procedures

1. Employees who believe they have been subjected to harassment are to report the alleged misconduct to their immediate supervisor at once, so that appropriate corrective action can be taken. Should the immediate supervisor be the alleged harasser, the report shall be made to the Library Director. Should the Library Director be the alleged harasser, the complaint shall be made directly to the Library Board,

either at a meeting or to an individual Board member or members. Incidents of harassment may be reported informally or through the filing of a formal complaint.

2. All reports of harassment will be held in confidence by the Library's attorney subject to applicable laws and relevant provisions of collective bargaining agreements.

3. Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations by the Library's attorney or labor consultant shall follow. Complainants are to be notified of the outcome of the investigation. The following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of harassment.

a) Informal Complaints

1. Employees who believe they have been subjected to harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the matter with the Library Director, who shall discuss the complaint with the alleged harasser. Should the harasser admit the allegations, written assurance is to be obtained that the unwelcome behavior will stop. Depending on the severity of the charges, the Library Director may recommend that further disciplinary action be taken. Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

2. If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened. The supervisor shall inform the complainant that any recurrence of the harassment or any retaliatory action that might occur shall be reported.

3. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint, using the harassment complaint/appeals form.

4. If during the Library Director's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, a report shall be filed with the Board of Trustees. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report shall be accompanied by a harassment complaint form signed by the complainant.

5. Should the alleged harasser deny the allegations, the Library Director shall inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The Library Director shall file a report with the Board of Trustees on what has transpired to date. If the complainant submits a formal complaint, a copy of the formal complaint shall accompany the Library Director's report with a recommendation for further action.

b) Formal Complaints

1. Formal complaints may be submitted either to initially report any incidence of harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter

case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the Library Director.

2. The formal written complaint will consist of the harassment formal complaint form and a copy of any applicable supervisor reports. The form shall contain the specifics of the complaint, e.g., date and place of incident, description of misconduct, names of any witnesses, any previous action taken to resolve the matters, and shall be signed and dated by the complainant.

3. The receipt of the complaint shall initiate a prompt, thorough and impartial investigation by the Library's attorney or labor consultant.

C. Remedial Action

1. When investigation reveals that harassment has occurred, appropriate sanctions will be imposed in a manner consistent with applicable law and provisions of collective bargaining agreements. Depending on the gravity of the misconduct, these may range from verbal reprimand up to and including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the victims.

2. Anyone subjecting complainants or witnesses to any form of retaliation shall also be subject to disciplinary action in a manner prescribed by law and/or consistent with applicable provisions of collective bargaining agreements.

3. If the conclusion of the investigation is that no harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of harassment, the complainant may appeal to the Board of Trustees. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing. The sexual harassment complaint/appeal form is to be used for this purpose

D. Post Remedial Action

Following a finding of harassment, victims shall be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report shall be made of any victim's response.

E. Complaint Records and Retention

Complainants shall receive a copy of any resolution reports filed by the Library Director concerning these complaints.

F. Investigation for the Absence of a Complaint

Board members and supervisors, upon learning of, or having reason to suspect, the occurrence of any misconduct, and in the absence of a victim's complaint, will communicate the basis of their concern, along with all relevant data, to the Library Director who shall assume that an appropriate investigation is promptly initiated by the Library's attorney or labor consultant. Based upon that investigation, the Library Director shall take appropriate action, and shall so inform the board.