

Harassment

It is the policy of the Library that all employees, administrators, officers, and applicants, as well as everyone with whom the Library does business (e.g., outside vendors, consultants, contractors), should be able to enjoy a work environment free from discrimination based on race, color, creed, sex, age, sexual orientation or affectional preference, disability, religion, national origin, citizenship, pregnancy, genetic predisposition or carrier status, marital or familial status, military or veteran status, status as a victim of domestic violence/ sex offenses/stalking, or any other basis protected by Federal, State or local law, rule or regulation. Unlawful discrimination or harassment of any kind which violates the law will not be tolerated.

The Library is committed to providing a work environment free from all forms of harassment or intimidation.

I. Sexual Harassment

Sexual harassment is defined as unwelcome advances, requests for sexual favors, or visual, verbal or physical conduct of a sexual nature when:

- Submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment; or
- Submission to, or rejection of, such conduct is used as the basis of employment decisions affecting such individuals; or
- Such conduct has the purpose or effect of interfering unreasonably with the individual's work performance or creating an intimidating, hostile, or offensive work environment that is, or would be offensive to a person of reasonable sensitivity and sensibilities.

This definition includes all forms of offensive behavior. It does not matter if the harassment was intended to be "just joking" or "teasing" or "playful." Sexually harassing conduct includes, but is not limited to:

- Unwanted sexual advances;
- Offering employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct such as leering; making sexual gestures; or displaying sexually suggestive or degrading objects, pictures, cartoons, posters, computer or television broadcasts, internet images, or phone images;
- Verbal or written conduct such as making or using derogatory comments; sexual propositions, sexually explicit jokes or jokes concerning gender-specific traits or sexual preference; sexual innuendos or sexually suggestive comments; sexually explicit comments about an individual's body or clothing; comments about an individual's sexual desirability; sexually degrading words to describe an individual; suggestive or obscene letters, notes, e-

mails, text messages or invitations; or playing radio, television/movies or online broadcasts in the workplace that contain sexually suggestive or degrading conversation or images;

- Physical conduct such as touching, petting, pinching, impeding or blocking movements or assault; and/or
- Retaliation for reporting harassment or threatening to report harassment.

Sexual harassment is not limited to oral comments and may include but is not limited to language transmitted via email, the internet, text messages, social media (e.g., Facebook, Twitter, MySpace, Pinterist, Linked-in, etc.) and instant messaging.

It is improper for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful, regardless of whether it involves co-worker harassment, harassment by a supervisor, member of management or other Library official, or harassment by persons doing business with or for the Library.

II. Other Forms of Harassment

Harassment on the basis of any protected characteristic protected by law is strictly prohibited (e.g., harassment on the basis of race, color or national origin, religion, age, creed, disability, marital or partnership status, sexual orientation or affectional preference, citizenship, pregnancy, veteran or military status, genetic predisposition or carrier status, status as a victim of domestic violence/sex offenses/stalking, or any other status or category protected by Federal, State, or local law). Prohibited harassment on the basis of other protected classes, includes behavior similar to sexual harassment. It does not matter if the harassment was intended to be "just joking" or "teasing" or "playful."

The Library is committed to providing a work environment free from all forms of prohibited harassment and intimidation. Harassing conduct includes, but is not limited to:

- Visual conduct such as derogatory posters, photographs, cartoons, drawings, gestures, or computer or television broadcasts, internet images, or phone images;
- Verbal conduct such as ethnic or religious jokes, or derogatory comments, slurs, innuendoes, epithets or threats (including those uttered over radio television/movies or internet broadcasts); Written conduct such as derogatory letters, notes, e-mails, text messages, invitations social media posts/messages/transmissions (e.g., Facebook, Twitter, MySpace, Pinetrlist, Linked-in, etc.) or instant messages;
- Physical conduct such as touching, blocking movements or assault; and/or
- Retaliation for reporting harassment or threatening to report harassment

It is unlawful for members of the same protected group/class to harass each other, and for members of one protected group/class to harass members of another protected group/class. Harassment based on any protected characteristic set forth above is unlawful regardless of whether it involved: co-worker harassment; harassment by a supervisor, an elected or appointed official, member of management or other Library administrator or officer; or harassment by persons doing business with or for the Library

III. Complaint Procedure

The Library's complaint procedure provides for immediate, thorough and objective investigation of any claim of harassment; appropriate disciplinary action against one found to have engaged in prohibited harassment; and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the employee has not lost a job or economic benefit.

Every employee, supervisor, manager or Library official is responsible for maintaining a workplace free from prohibited harassment. Accordingly, any such person who believes the actions or words of a co-worker, elected or appointed official, supervisor, manager, administrator, officer, or individual with whom the Library is doing business constitute unwelcome harassment must take the following actions:

- If possible, tell the harasser that his/her actions are not welcome and must stop.
- Promptly report the incident and/or the harassing action(s), word(s) or conduct to the Library Director. If you feel uncomfortable speaking to the Library Director, please speak to the President of the Board of Trustees. This may be done either verbally or in writing. It is strongly encouraged that employees file a written complaint. (A copy of the written complaint form is included at the end of this policy at "Appendix A" and can also be obtained from the Library Director or the President of the Board of Trustees. The complaint should be as detailed as possible and include the names of individuals involved, when and where the harassment occurred, the names of witnesses, direct quotes and/or evidence (i.e., notes, e-mails, voicemails, text messages, pictures, recordings etc.).

All incidents of harassment will be expeditiously investigated and handled as discreetly as possible. The Library is committed to investigating any case of alleged or suspected harassment, even if the victim makes no complaint or does not want the matter pursued. The accused shall be afforded an opportunity to present his/her version of events in the presence of a union representative or attorney where required by law. All individuals are hereby directed and required to cooperate with the Library in fulfilling its investigative function. All complaints of harassment and the investigation of complaint(s) are confidential to the maximum extent reasonably possible consistent with law and the Library's obligation to conduct a thorough investigation.

If the investigation is conclusive, and harassment is found, appropriate corrective action will be taken in a timely manner and appropriate measures will be taken to deter any future harassment. Appropriate disciplinary action, which may include termination, will be taken in

accordance with applicable law and/or the terms of any applicable collective bargaining agreement. Once a determination has been made regarding alleged harassment, it will be communicated to the employee who complained, the victim of the harassment (if the victim is not the individual who made the complaint) as well as to the accused harasser.

Retaliation of any kind against an employee who makes a good-faith report of harassment or who participates in an investigation into a harassment complaint is strictly prohibited. Retaliation, direct or indirect, against any employee for complaining in good faith of unlawful harassment or participating with an investigation into unlawful harassment will be grounds for discipline, up to and including termination in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. Follow-up interview(s) with the complainant and/or the victim of the harassment (if the victim is not the individual who made the complaint) may be conducted, if appropriate, to ensure that the harassment has not resumed and that no retaliatory action has been taken.

Should you have any questions about this Unlawful Harassment Policy, please contact the Library Director or if the Library Director or the President of the Board of Trustees.

Approved by the Board of Trustees, June 21, 2016

Harassment Grievance Procedure

The North Babylon Public Library has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints concerning harassment.

Complaints should be addressed to: Marc D. Horowitz, Library Director, 815 Deer Park Avenue, North Babylon, New York 11703-3812; (631) 669-4020, who has been designated to coordinate harassment efforts.

There may be other venues for bargaining unit members to seek in dealing with grievances concerning Equal Employment Opportunity.

1. A complaint should be filled out in writing and may also be communicated verbally. It must contain the name and address of the person filing it, and briefly but clearly describe the alleged violation of the regulations.
2. A complaint must be filed within forty-five (45) days after the complainant becomes aware of the alleged violation.
3. An informal investigation, as may be appropriate, shall follow a filing of complaint. The Library Director or a designee shall conduct the informal investigation. These rules contemplate informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
4. A written determination as the validity of the complaint and a description of the resolution, if any, shall be issued by the Library Director, and a copy forwarded to the complainant no later than thirty (30) days after its filing.
5. On receiving a decision, the complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) days to the President, Board of Trustees, through the Library Director.
6. The Library Director shall maintain the files and records of the North Babylon Public Library relating to the complaints filed.
7. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of an harassment complaint with the responsible federal department or agency. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies.
8. These rules shall be construed to protect the substantive rights of interested persons to meet appropriate due process standards, and to assure that the North Babylon Public Library complies with the EEOC in implementing regulations.

Note: Wherever "days" are referred to, this reflects calendar days, not work days.