

COMMACK PUBLIC LIBRARY

Non-discrimination and Harassment (Adopted 1/21/99)

The Commack Public Library (the “Library”) is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits discriminatory practices, including harassment. Therefore, the Library expects that all relationships among persons employed by and working with the Library will be business-like and free of bias, prejudice and harassment.

Equal Employment Opportunity

It is the policy of the Library to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, national origin, religion, creed, sex, age, disability, marital status, citizenship or any other characteristic protected by law. The Library prohibits any such discrimination or harassment.

Retaliation Is Also Prohibited

The Library encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of the Library to investigate such reports. The Library prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such.

Definitions of Harassment

1. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: (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 unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual’s body, sexual prowess or sexual deficiencies; leering, whistling or touching;

insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

2. Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, sexual orientation, national origin, age, disability, marital status, citizenship or any other characteristic protected by law or that of his/her relatives, friends or associates, 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 written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the employer's premises or circulated in the workplace.

Individuals and Conduct Covered

These policies apply to all applicants, employees and volunteers, whether related to conduct engaged in by fellow employees or volunteers, or someone not directly connected to the Library (e.g. an outside vendor).

Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace such as during business trips, business meetings and business-related social events.

Reporting an Incident of Harassment, Discrimination or Retaliation

The Library encourages reporting of all perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with the Director of the Library. If the individual's concerns involve the Director of the Library, then such concerns should be discussed with a member of the Board of Trustees. See the Complaint Procedure described below.

In addition, the Library encourages individuals who believe they are being subjected to such conduct promptly to advise the offender that his or her behavior is unwelcome and request that it be discontinued. Often this action alone will resolve the problem. The Library recognizes, however, that an individual may prefer to pursue the matter through the complaint procedure.

Complaint Procedure

If for any reason an individual does not wish to address the offender directly, or if such action does not successfully end the offensive conduct, the individual should notify the Director of the Library, or a member of the Board of Directors in the event the Director of the Library is the subject of the complaint.

As noted above, individuals who believe they have been the victims of conduct prohibited by the policy statement or believe they have witnessed such conduct should discuss their concerns with the Director of the Library, or a member of the Board of Trustees if the Director of the Library is the subject of the complaint. Any person who receives information regarding such conduct in his/her official capacity is obligated to report it immediately.

The Library encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.

Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge.

Confidentiality will be maintained throughout the investigatory process to the extent consistent with adequate investigation and appropriate corrective action.

Retaliation against an individual for reporting harassment or discrimination or for participating in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action. Acts of retaliation should be reported immediately and will be promptly investigated and addressed.

Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately. Responsive action may include, for example, training, referral to counseling, and/or disciplinary action such as warning, reprimand, reassignment, temporary suspension without pay, or termination, as the Library believes appropriate under the circumstances and consistent with applicable laws and collective bargaining agreements.

If a party to a complaint does not agree with its resolution, that party may appeal to the Board of Trustees.

False and malicious complaints of harassment, discrimination or retaliation as opposed to complaints, which even if erroneous, are made in good faith, may be the subject of appropriate disciplinary action.

Consensual Romantic Relationships

It is also essential to understand that consenting romantic and sexual relationships between persons in supervisory positions and less senior or non-supervisory employees, or between co-workers, may lead to unforeseen complications. The respect and trust accorded a more senior/supervisory person by a less senior or non-supervisory staff member, as well as the power held by that person in evaluating or otherwise supervising the employee, could diminish the extent to which the employee really feels free to choose to have (or not have) such a relationship. Therefore, each employee should be aware of the possible risks of even an apparently consensual sexual relationship. With this in mind, the Library may reassign or rearrange reporting functions or other roles of parties involved in a consenting relationship to avoid potential problems in this regard.

Conclusion

The Library has developed these policies to ensure that all its employees can work in an environment free from harassment, discrimination and retaliation.

Any employee who has any questions or concerns about these policies should talk with the Director of the Library.

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