
700.01 – Harassment, Bullying and Sexual Harassment Policy

Statement of Purpose

The purpose of this policy is to communicate to all employees, supervisors, and managers that the Haxton Memorial Public Library works to create a safe and civil environment that is necessary for staff members to be happy, thriving, successful, and productive. Bullying, like other disruptive or violent behaviors, interferes with a staff member's ability to positively contribute to the library on a day-to-day basis and the library's ability to operate successfully. Accordingly, the library strictly prohibits all acts of bullying and harassment, including cyberbullying.

Defining Bullying

The Haxton Memorial Public Library defines bullying as repeated activity that is meant to diminish or disempower another individual through any use of aggressive, hostile, abusive, harassing, or unreasonable conduct against another individual.

It occurs when a person uses strength or influence to intimidate another, typically to force a desired act or result. Bullying may be intentional or unintentional and may consist of threats, verbal conduct or any action intended to interfere with an individual's work. Bullying at work may take the form of actions that are:

- Threatening, aggressive or intimidating
- Abusive, insulting or offensive
- Cruel or vindictive
- Humiliating, degrading or demeaning.

It is the effect of the behavior on the individual that is of the utmost importance.

Expectations and Responsibilities

The library expects all employees, interns, patrons, volunteers, contractors, vendors, trustees, and other visitors to demonstrate appropriate behavior, treat others professionally, and refuse to tolerate harassment and bullying.

Additionally, the library expects all employees to conduct themselves in a manner that displays proper regard for the rights and welfare of other employees, interns, patrons, volunteers, contractors, vendors, trustees, and visitors.

An employee who believes they have experienced or witnessed bullying is encouraged to tell the individual the conduct is inappropriate and report the incident as soon as possible to the Library Manager or, if necessary, the Library Board of Trustees. A prompt, thorough, and complete investigation of each alleged incident will be conducted. Employees found in violation of this policy will be subject to appropriate disciplinary action, up to and including, termination. The library prohibits reprisal or retaliation against any person who reports an act of bullying.

Whistleblower Protection

In order to protect the integrity and reputation of the Haxton Memorial Public Library, the identity of any individual that reports a possible violation of abuse, waste or fraud concerning any library activity will be kept confidential. Individuals may question or report to the Library Manager in written form. When inappropriate to report to the Library Manager, individuals are directed to contact the Library Board of Trustees.

Furthermore, any individual, volunteer, employee, director or trustee who reports a suspected action taken by or within the library that is illegal, fraudulent or in violation of library policy shall not experience any retaliation, harassment or discrimination for their action.

Any report given to the Library Manager will be presented to the Library Board of Trustees where it will be determined if further action is necessary. The individual who reported the claim will be given prompt notification of the Library Board's decision.

Sexual Harassment Policy

Statement of Purpose

Haxton Memorial Public Library is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but Haxton Memorial Public Library recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of Haxton Memorial Public Library's commitment to a discrimination-free work environment.

Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with Haxton Memorial Public Library. Employees can also file a complaint with a government agency or in

court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy:

1. Haxton Memorial Public Library's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with Haxton Memorial Public Library. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of Haxton Memorial Public Library who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or [name of appropriate person]. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject Haxton Memorial Public Library to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. Haxton Memorial Public Library will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a

complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. Haxton Memorial Public Library will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, Haxton Memorial Public Library will act as required. In addition to any required discipline, Haxton Memorial Public Library will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.
7. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to [person or office designated].
8. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or

privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior.

However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of Haxton Memorial Public Library's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a **hostile work environment** include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called **quid pro quo** harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. **This list is just a sample of behaviors and should not be considered exhaustive.** Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - This can include sexual advances/pressure placed on a service industry employee by customers or clients, especially those industries where hospitality and tips are essential to the customer/employee relationship;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:

- Dress codes that place more emphasis on women's attire;
- Leaving parents/caregivers out of meetings.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. **Harassers can be anyone in the workplace.** A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, customer, patient, constituent, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the

- assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to the Library Manager or a Library Board Trustee. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the Library Manager or a Library Board Trustee.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on [Legal Protections](#).

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Library Board of Trustees. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is **required** to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. Haxton Memorial Public Library will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

Haxton Memorial Public Library recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Library Manager or the Library Board Trustees:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Library Manager will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. the Library Manager or the Library Board of Trustees will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the

individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and

7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by Haxton Memorial Public Library, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

New York State Division of Human Rights:

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 *et seq.*, applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time **within three years** of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to Haxton Memorial Public Library does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at **1(800) HARASS3** for more information about filing

a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

The United States Equal Employment Opportunity Commission:

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e *et seq.* An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

Conclusion

The policy outlined above is aimed at providing employees at Haxton Memorial Public Library and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

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Reviewed:

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700.02 - Personnel Policies

Statement of Purpose

The Haxton Memorial Public Library is dedicated to ensuring quality service to the residents of the Oakfield-Alabama school district. This quality service begins with the library staff. We are steadfast in maintaining and supporting these individuals as they serve our community.

The employees of the Haxton Memorial Public Library are public employees and as such are subject to Civil Service. The library complies with New York State Civil Service Law and if a conflict occurs between this policy and the law, the law shall take precedence.

Equal Employment Opportunity

It is the policy of the Haxton Memorial Public Library to provide an equal employment opportunity for all qualified persons. Equal employment opportunity shall be according to the provisions of state and federal laws and regulations.

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Haxton Memorial Public Library will be based on merit, qualifications, and abilities. The library does not discriminate in employment opportunities or practices on the basis of race, color, creed, sex, national origin, age, disability, sexual orientation, military or veteran status, citizenship status, ethnicity, marital status or any other characteristic protected by Federal Equal Employment Opportunity and NYS Human Rights laws.

The library will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of the Library Manager or the Library Board of Trustees. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of discrimination will be subject to disciplinary action, up to and including termination of employment.

Nepotism

Nepotism is defined as giving or showing a hiring preference to a family member of a current employee.

It is the library's belief that employees should be hired based on their skills and experience. If the family member would like to apply for a job, he/she are welcome to do so through the usual hiring process. The library does not give one applicant more weight over another because of a familial relationship with a current employee.

Recruitment/Hiring

The Library Manager is appointed by and is responsible to the Library Board of Trustees. The Library Manager recommends new employees to the Board of Trustees. The Library Board of Trustees must approve and appoint all new hires prior to their start date.

Vacancy announcements shall be published by posting announcements in the library, on the library website and at least one local news source.

Such postings will specify:

- title and salary range of the position
- nature of the work to be performed
- minimum essential requirements of the position
- time and place to apply
- closing date for receiving applications and other pertinent information

When appropriate, civil service procedures will be applied during the selection process.

Probationary Period

Employees may be terminated without cause and without notice during a twelve month probationary period.

Annual Evaluations

The Library Manager will conduct performance evaluations of staff annually. Evaluations will be presented to the Library Board of Trustees at the March Board Meeting. The purpose of these evaluations is to provide feedback, clarify employee duties and identify areas for growth.

The Library Board of Trustees will annually evaluate the Library Manager's administration of the library. Evaluation will be completed and reviewed at the March Board meeting. The Library Manager will receive the evaluation, at a minimum, one week prior to the March Board meeting. The purpose of the evaluation is to provide feedback, clarify duties and identify areas for growth.

Employee Code of Conduct

Library employees significantly influence and control the selection, organization, preservation, and dissemination of information. Library employees must be committed to intellectual freedom and the freedom of access to information.

Employees of the Haxton Memorial Public Library will:

- Provide prompt, accurate, and friendly service
- Treat all library users with equal respect and consideration
- Consider every question valid
- Provide information expressing various viewpoints
- Be committed to intellectual freedom, encouraging the exchange of ideas and information and resisting all efforts to censor library resources
- Foster and support teamwork, cooperation and involvement to all levels of the organization
- Treat co-workers with respect and honesty and work as a team with the Library Board of Trustees in support of the library's goals
- Respect and protect the privacy of library patrons to the fullest extent permissible by law
- Distinguish clearly, in actions and statements, between personal philosophy and attitudes and those of the library
- Avoid situations in which personal interests might be served or financial benefits gained

at the expense of library users, colleagues, or the library.

- Make every effort to give a two week notice before vacating a position.

Employee Dress Code

All employees shall be responsible for their personal appearance and hygiene. Employees are expected to be neat and clean, and to use prudent judgment, good taste, and common sense regarding appropriateness of attire. Attire shall not interfere with job performance or job safety and should be neat and clean at all times.

Common dress code guidelines include:

- Avoid t-shirts with offensive logos or graphic language
- Avoid low-cut tops, exposed midriffs and revealing attire
- Avoid frayed, ripped or torn clothing
- Cover tattoos and piercings that display profanity or offensive images

Anyone who is deemed inappropriately dressed could be asked to change at the discretion of the Library Manager. Failure to comply with the Library Manager's request may result in disciplinary action or dismissal.

Volunteers

The Haxton Memorial Public Library recognizes that volunteers are a valuable resource for the library. Volunteers enhance, rather than replace, adequate staffing. Library volunteers are coordinated by the Library Manager and volunteers under the age of 18 must have parental permission. Volunteers may be interviewed to determine interest, availability, and experience. Volunteers must complete an application form, sign the Volunteer Code of Conduct Form (Form 700-B) and be approved by the Library Board of Trustees prior to starting.

Volunteers are bound by the rules contained in all library policies and guidelines, especially those that relate to patron privacy and confidentiality. All volunteers must sign the Volunteer Code of Conduct. The Haxton Memorial Public library has the right to terminate a volunteer's working association with the library at any time for any reason.

Employee Grievance Procedure

It is the intent of the Haxton Memorial Public Library that every employee shall have the opportunity to express concerns relating to the physical surroundings in which the employee works, procedures and conditions of the specific position, relationships with fellow workers or supervisors, and library rules as they apply to staff. A concern or grievance should follow the procedure below:

- If possible, discuss the grievance with the Library Manager.
- In the case the Library Manager has a grievance or the Library Manager is a party in the grievance, this should be presented to the Library Board of Trustees.
- The Library Board of Trustees will review the grievance during an executive session at the scheduled board meeting or at a special board meeting if the matter is urgent.
- A representative from the Board will respond to the employee within five (5) days of the board meeting.

Discipline/Termination

An employee of the Haxton Memorial Public Library may be dismissed for any action or behavior that causes the library's image or operation to be diminished. This includes but is not limited to incompetence, misconduct, neglect of assigned duties, or unapproved absences from work.

Complete and clear records will be maintained of all disciplinary processes for the protection of the employee and the library.

The Haxton Memorial Public Library reserves the right to dismiss an employee without notice in cases involving gross misconduct including any of the following:

1. Insubordination and or failure to adhere to library policies.
2. Dishonesty.
3. Rudeness or lack of cooperation with employees or patrons.
4. Theft of library property or the personal property of others.
5. Falsifying or altering library records including employment application, time sheets or medical documents.
6. Altercations, fighting, threatening, or intimidating others.
7. Violation of the library's policy against discrimination and harassment
8. Retaliating against any employee who makes a complaint or participates in an investigation relating to the library's policy against discrimination and harassment.
9. Being under the influence of, using, possessing or selling alcohol or illegal controlled substances on library property or while conducting business for the library.
10. Possessing a firearm or other dangerous weapons on library property.
11. Being charged with a crime that indicates unfitness for the job or raises a threat to the safety of library employees or patrons.
12. Disclosing company confidential or proprietary information to unauthorized persons.

Computer/Internet/Email/Social Media Use

Library equipment including computer hardware and software should be used for library business only.

Employees may not copy or use library purchased/leased software contrary to the provisions of any license agreement.

Employees must use caution in opening email and downloading files in order to avoid computer viruses.

All materials, information, and software created, transmitted, downloaded or stored on the library's computer system are the property of the library and may only be accessed by authorized personnel. The library reserves the right to monitor employee use of the Internet at any time.

Employees should not consider their Internet usage or e-mail communications to be private when using library computers, software, or email accounts.

Continuing Education

The library is committed to having a trained and educated workforce. Staff members are urged to improve their skills and, with the permission of the Library Manager, to attend library conferences and other professional meetings.

The Library Manager, staff, and trustees are encouraged to attend and participate in continuing education activities. Attending continuing education opportunities to aid the library shall be allowed expenses at the discretion of the library board according to the amount appropriated in the budget for such.

Personnel Records Access

Employee information is confidential and should only be accessed by the Library Manager or the Library Board of Trustees. Any breach of this confidentiality requirement is grounds for termination. Personal information maintained about an employee shall be made available for inspection only at the employee's request, except for information requested through a subpoena.

A personnel file may contain documents including, but not limited to, the following:

- All documentation regarding hiring, change of status, retirement, or termination of employment
- Civil Service application listing personal, educational, and other information related to the employee
- Payroll authorization agreement for direct deposits
- Federal W-4 and State IT-2104 withholding forms
- USCIS - I-9 form
- Garnishments, tax levy, subpoenas, court-ordered documentation
- Letters of offer, acceptance, commendation, resignation
- Performance reviews, written reprimands
- Library application and resume

Conflict of Interest - Employees

Refer to Board Policy #500.02 - Conflict of Interest Policy.

Adopted: November 18, 2024

Reviewed:

Revised:

700.03 – Personnel: Responsibilities & Benefits

Statement of Purpose

The purpose of this policy is to establish a clear framework for managing and supporting library staff by outlining expectations, responsibilities, and guidelines for employment, ensuring fair treatment, promoting professional development, and ultimately facilitating the delivery of high-quality library services to the community, all while adhering to applicable laws and regulations.

Library Manager Responsibilities and Expectations

- The Library Manager is a salaried position and is subject to an annual review by the Board of Trustees. The Board of Trustees recognizes that managing the library requires flexibility, and at times adjustments to hours may be appropriate to meet the needs of the library.
- The expectation of the Library Manager's hours is 80% of operational hours on a weekly basis.
- Hours worked/time off (including vacation time and sick time) must be recorded on an appropriate weekly time sheet. A running report of available vacation and sick days should be made accessible for review by the Library Board of Trustees upon request.
- The person appointed as Library Manager shall be charged with the sole administration of the library.
- The Library Board of Trustees shall select, appoint, and when necessary for valid reasons, dismiss the Library Manager.
- The Library Board of Trustees shall provide an effective orientation for the Library Manager to assure that the Library Manager understands:
 - a) the policies and processes related to the daily operation of the library,
 - b) reporting and budgetary requirements that assure accountability and compliance with the law,
 - c) the expectations of the board in regard to administrative processes and protocol, particularly as they relate to conducting effective and efficient board meetings,
 - d) rules and requirements for state certification and any assistance which is provided by the library to acquire and maintain appropriate certification.
- The Library Board of Trustees shall conduct an annual review of the Library Manager's performance, at which time personal and management goals can be discussed and aligned. The annual review shall be completed no later than the March board meeting.
- The Library Manager shall be responsible to the Library Board of Trustees in matters pertaining to and concerning the library, be present at monthly board meetings and prepare and present such reports and meeting documents as requested.
- The Library Manager shall maintain financial records in an efficient manner, present periodic reports to the Library Board of Trustees and assist with the preparation of the annual budget.
- The Library Manager is responsible for new employee orientation.
- The Library Manager is responsible for oversight of training staff.
- The Library Manager shall hold monthly meetings with staff and/or volunteers.
- The Library Manager will collaborate with library staff in preparing their annual performance review. A copy of the performance review must be presented to the Library Board of Trustees no later than the March board meeting.

- The Library Manager shall have the responsibility for collection development for all materials in the library; this includes selection, ordering, processing, weeding, and inventory of the collections according to the guidelines in the policy.
- The Library Manager will recommend changes or additions to library policies.
- The Library Manager will be responsible for preparing and submitting the Annual Library Report.

Orientation and Training for Library Manager

- Per the Handbook for New Public Library Director in NYS.
- A new Library Manager will receive an orientation from the outgoing Library Manager when possible.

Employee Work Hours

- Part-time employees work 19 hours or less per week. The Library Manager must give prior approval for any overtime work.
- Staff to be scheduled greater than 19 hours per week must take and pass the Civil Service exam for a Library Clerk.

New Employee Orientation and Training will include:

- Completion of all payroll and benefits paperwork which includes:
 - Federal W-4 and NYS IT-2104 Withholding form
 - Civil Service application
 - I-9 form
 - ERS enrollment application or declination
 - Direct Deposit form if applicable
 - Employee Code of Conduct Acknowledgement
 - Review of Library Policies and Acceptance Form
 - Other applicable documents as required
- A general orientation to the library.
- Development of an individualized training timeline based on the job requirements, experience, and education needed for each position.
- New employee training will be provided under the direction of the Library Manager.

Benefits

Payroll

The payroll week runs from Saturday to Friday. The pay frequency is bi-weekly and checks or direct deposit will be available on Fridays.

Employees are required to maintain an accurate record of all time worked using the form provided. The Library Manager is responsible to approve and sign all time sheets before submitting to payroll.

Salary/Benefits

The Library Manager's salary and benefits shall be set and reviewed each year by the Library Board of Trustees following the Manager's annual performance review.

Part-time employee wages start at minimum wage or higher commensurate with experience and are evaluated yearly.

Any Board approved pay adjustments must be submitted to payroll on the Payroll Adjustment Form (Form 700-A).

Holiday Pay

The Library Manager's salary includes 13 paid holidays (as established and approved by the Library Board of Trustees) each calendar year as part of their regular salary. Approved holidays cannot be changed without approval of the Library Board of Trustees.

Hourly employees do not receive holiday pay.

Vacation Time

The Library Manager shall receive:

- 10 days of vacation each calendar year after the first year;
- 15 days after 5 consecutive years of employment;
- 16 days after 6 consecutive years of employment;
- 17 days after 7 consecutive years of employment;
- 18 days after 8 consecutive years of employment;
- 19 days after 9 consecutive years of employment;
- 20 days after 10 consecutive years of employment.

Vacation days cannot be accrued.

No more than 10 consecutive days off in any given period (this includes holiday time). Any period longer than two consecutive weeks must have prior approval by the Library Board of Trustees.

A Library Manager who resigns or retires from the Library and has earned vacation time through consecutive years of employment, as noted above, will receive vacation pay for all unused vacation.

All vacation day requests for 3 consecutive days or more must be communicated to the Library Board of Trustees at least 24 hours prior to taking time off.

Hourly employees do not receive vacation pay.

Sick Time

- The Library Manager will accrue 0.5 sick days per month up to a maximum of 6 days per year.
- Unused sick days may carry over to the next calendar year up to a maximum of 50 days.
- Sick days can be used even if a disability claim is filed for an extended sick leave. However, the combined total of disability and sick pay shall not exceed the Library Manager's normal daily rate.
- Accrued sick days have no monetary value upon termination/retirement of employment.
- We encourage prior notice for any scheduled medical procedure requiring time off from

work. A doctor's note may be requested for medical clearance to return to work.

- A doctor's note may be required after three consecutive work days upon the request of the Library Board of Trustees.

Hourly employees do not receive sick pay.

Bereavement Leave:

Library Manager is eligible for three (3) days of bereavement leave without loss of pay or sick leave credit in the event of the death in the immediate family, defined as spouse, children, brother, sister, or parents of either the employee or the employee's spouse.

Unpaid Leave

Salaried employees may be granted unpaid leave in accordance with Family Medical Leave Act (FMLA). For extended unpaid leaves for reasons that do not qualify under FMLA, the Library Board of Trustees will consider each case on its individual merits.

Part-time employees may also request unpaid leave by submitting each request in writing to the Library Manager who will in turn forward such request to the Library Board of Trustees for consideration. Each case will be considered on its individual merits.

In some instances, it may be necessary to deny requests for leaves of absence. Leaves are a privilege and can be granted only if the best interests of the library can be maintained.

Military Leave

Library employees who are duly enrolled members of the National Guard, State Guard, or any other organized reserve component of the Armed Forces of the United States shall be granted an unpaid military leave of absence. The leave, under normal circumstances, will not exceed fourteen (14) days excluding Sundays and legal holidays. A copy of the order requiring attendance at military training sites shall accompany all requests for a military leave.

Jury Duty

Salaried employees will receive their regular pay.

Hourly employees will receive compensation as determined by New York State law (nyjuror.gov).

Employees should bring in the jury duty notice to the Library Manager as soon as possible.

Adopted: November 18, 2024

Reviewed:

Revised: