

Non-Discrimination and Harassment Policy

The Jericho Public Library is committed to a policy of equal opportunity in the workplace that embraces diversity and equality and prohibits illegal discrimination. 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 in the workplace will be business-like and free of bias, prejudice and harassment. The Jericho Public Library has a zero tolerance policy for any form of bias, prejudice and harassment.

Policy Applicability

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons/patrons conducting business with the Jericho Public Library.

Purpose

The purpose of this policy is to set forth the equal employment opportunity responsibilities of the Library, its employees, vendors and applicants and to provide a procedure for reporting and investigating allegations of discrimination, sexual harassment or retaliation as defined herein.

Equal Employment Opportunity

The Library will promptly investigate allegations of discrimination against employees or applicants on the basis of age, race, creed, color, national origin, sexual orientation, sex, disability, genetic predisposition or carrier status, military status or any other basis protected by law.

Sexual Harassment

The Library also prohibits sexual harassment in the workplace and will promptly investigate allegations of sexual harassment in the workplace.

Retaliation is Prohibited

No person covered by this Policy shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because the employee reports an incident of sexual harassment complaint. The Jericho Public Library has a zero-tolerance policy for such retaliation against anyone who, in good faith complains or provides information about suspected sexual harassment. Any employee of the Jericho Public Library who retaliates against anyone involved in a sexual harassment investigation will be subject to disciplinary action, up to and including termination. Any employee, paid or unpaid intern, or non-employee working in the workplace who believes they have been subject to such retaliation should inform the Library Director. Any employee, paid or unpaid intern or non-employee who believes they have been a victim of such retaliation may also

seek compensation in other available forums, as explained below in the section of Legal Protections.

Definition of Discrimination

Discrimination occurs when someone is treated less favorably because of their age, race, creed, color, national origin, sexual orientation, military status, sex, disability, genetic information, or marital status in the course of hiring and/or employment.

Definition of Harassment

Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age, disability or genetic information. Harassment can also include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of a violation of this Policy. To be a violation, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

Unwelcome conduct can take, 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.

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

Definition of Retaliation

Unlawful retaliation can be any action that would keep a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.

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:

- filed a complaint of sexual harassment or discrimination, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or 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 harassment;
- complained that another employee has been sexually harassed or discriminated against; or
- encouraged a fellow employee to report harassment or discrimination.

Reporting Discrimination, Harassment or Retaliation

The Library encourages individuals who believe they are being subjected to adverse action or prohibited conduct under this Policy to promptly 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 informal or formal complaint procedures.

Any employee or job applicant who believes he or she has been subjected to conduct or action in violation of this Policy or who witnesses others being subjected to improper conduct or action in violation of this Policy is urged to report the alleged act(s) as soon as possible. Employees may report alleged act(s) to their Supervisor, the Director, or the President of the Board of Trustees if the Director is the subject of the complaint.

A complaint alleging a violation of this Policy may be oral or in writing. An employee may be asked to place an oral complaint in writing. The Supervisor, Director or Board President, as the case may be, must document information relevant to the complaint, including the date and time of the initial meeting with the complaining party, the dates of any incidents, substance of the complaint and the names of individuals who were involved or witnessed the incidents. This is merely an intake of information; it is not an interview nor an investigation.

The Supervisor who receives a complaint must report it to the Director, unless the Director is the subject of the Complaint in which case the Supervisor shall report the complaint to the Board President.

Investigation Procedure

All complaints and information about suspected sexual harassment or discrimination will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, and should be completed within 30 days. The investigation will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged perpetrators will be accorded due process to protect their rights to a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment or discrimination. Employees who participate in any investigation will not be retaliated against.

Investigations will be done in accordance with the following steps:

- Upon receipt of complaint, the Library Director will conduct an immediate review of the allegations, and take any interim actions, as appropriate. If complaint is oral, encourage the individual to complete the “Complaint Form” in writing. If he or she refuses, prepare a Complaint Form based on the oral reporting.
- If documents, emails or phone records are relevant to the allegations, take steps to obtain and preserve them.
- Request and review all relevant documents, including all electronic communications.
- Interview all parties involved, including any relevant witnesses.
- Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - A list of all documents reviewed, along with a detailed summary of relevant documents;
 - A list of names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported and unreported; and
 - The final resolution of the complaint, together with any corrective action(s).
- Keep the written documentation and associated documents in the employer’s records.
- Promptly notify the individual who complained and the individual(s) who responded of the final determination and implement any corrective actions identified in the written document.
- Inform the individual who complained of their right to file a complaint or charge externally as outlined below.

The results of the interviews and the investigation shall be reported to the Board of Trustees. A final report shall be prepared and the Complainant shall be informed of the results of the investigation. Corrective action shall be taken as needed.

Misconduct constituting harassment, discrimination or retaliation shall be dealt with appropriately. Responsive action may include, for example, training, referral for counseling and/or disciplinary action which could include termination of employment.

Legal Protections and External Remedies

Sexual harassment and discrimination are not only prohibited by the Jericho Public Library but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the Jericho Public Library, an employee may also choose to pursue legal remedies with the following governmental entities **at any time**.

New York State Division of Human Rights (DHR)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged discrimination. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the Jericho Public Library does not extend your time to file with DHR or in court. The one year or three years is counted from 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 discrimination has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If discrimination is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying monetary 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, (718) 741-8400, www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

United States Equal Employment Opportunity Commission (EEOC)

The EEOC enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000 et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the 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, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she 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 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will 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, town, or village in which they live to find out if such a law exists.

Contact the Local Police Department

If the harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Request to Withdraw Complaint

A complainant may request that the complaint be withdrawn at any time. Any request for withdrawal must be written and signed by the complainant. In the event a complaint is withdrawn, the Director or the Board President if the Director is the subject of the complaint, shall determine in consultation with the Library's counsel whether it is necessary to continue the investigation and whether evidence has been found that requires the Library to take further action. This assessment shall be documented and all parties to the complaint shall be notified.

Distribution

All employees, elected officials and vendors shall be provided a copy of this Policy and shall execute the attached acknowledgement of receipt of this Policy and forward it to the Director or her/his designee.

Conclusion

This Policy is intended to ensure that all Library employees can work in an environment free from harassment, discrimination and retaliation.

Questions or concerns regarding this Policy should be discussed with the Director.

**Acknowledgement of Receipt of the Library's
Non-Discrimination and Harassment Policy**

As an employee, elected official or vendor of the Library, it is my obligation and responsibility to fully comply with the Library's non-discrimination and harassment policy. My signature below acknowledges receipt of the Non-Discrimination and Harassment Policy.

Print Name

Signature Date

Adopted by the Board of Trustees of the
Jericho Public Library December 8, 1997
Revised October 9, 2018