

## Ossining Public Library Unlawful Harassment Policy

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It is the policy of the Library that all employees, applicants, managers, officers, Elected Officials, 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, gender, age, sexual orientation or affectional preference, disability, religion, national origin, citizenship, pregnancy, genetic predisposition or carrier status, marital, partnership, 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.

This policy includes, but is not limited to, inappropriate forms of behavior as described below (Forms of Harassment). All individuals covered by this policy shall refrain from prohibited conduct whenever acting on behalf of the Library. Making a knowingly false complaint of prohibited harassment, as opposed to complaint which, even if erroneous, is made in good faith, may be the subject of appropriate disciplinary action, up to and including termination, in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. Please see the Ossining Public Library's Sexual Harassment Policy for specific information about reporting sexual harassment.

#### **I. Harassment**

Harassment on the basis of any protected class or characteristic protected by law is strictly prohibited (*e.g.*, harassment on the basis of race, color or national origin, sex, gender, religion, age, creed, disability, marital, partnership, or familial 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." Harassment is defined as unwelcome visual, verbal or physical conduct that is directed at an individual because of one or more of that individual's protected characteristics when:

- 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; or
- Such conduct has the purpose or effect of treating an individual unequally or less well than others with regard to a term or condition of employment.

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:

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- Abusive and/or demeaning/offensive language related to a covered individual, including innuendos, slurs, suggestive, derogatory or insulting comments or sounds, threats, and jokes based on the covered individual's protected status. The abusive language and/or actions need not be directed specifically at a covered individual, but such utterances and/or actions may be offensive to a covered individual present.
- 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, Instagram, Pintrist, 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, member of management or other Library employee, officer or Elected Official; or harassment by persons doing business with or for the Library (*e.g.*, contractors, subcontractors, vendors, consultants, or any other individuals providing services pursuant to a contract in the workplace).

## **II. 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, supervisor, manager, officer, Elected Official, 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 your Supervisor or Department Head. If you prefer, you can speak directly to the Library Director, Assistant Library Director, or the Board President. This may be done either verbally or in writing. It is strongly encouraged that employees file a written complaint.

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(A copy of the written complaint form is included at the end of this policy and can also be obtained from the Library Director.) 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.).

When a complaint is filed, the library will commence a timely and thorough investigation. All incidents of harassment will be expeditiously investigated and handled as discreetly as possible. Supervisors and managerial personnel must take timely and appropriate corrective action when instances of prohibited harassment come to their attention. 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, 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, 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 is the alleged harasser, the Board of Trustees.

*Presented to the Ossining Public Library Board of Trustees for a first reading 11/2/2023*  
*Approved by Ossining Public Library Board of Trustees 11/13/2023*