WadsworthLibrary

HARASSMENT AND DISCRIMINATION PREVENTION POLICY

Wadsworth Library is committed to maintaining a workplace free from all forms of harassment and discrimination. The Wadsworth Library prohibits unlawful harassment and discrimination against anyone, for any reason, including, but not limited to an individual's actual or perceived: race (including traits historically associated with race, such as hair texture and protective hairstyles), color, creed, religion (including wearing attire, clothing or facial hair in accordance with the tenets of religion), sex (including pregnancy, childbirth or related medical conditions and transgender status), gender identity or expression, an employee's or dependent's reproductive health decisions, familial status, national origin, citizenship or immigration status, physical or mental disability (including gender dysphoria and being a certified medical marijuana patient), genetic information (including predisposing genetic characteristics), age (18 and over), veteran status, military status, sexual orientation, marital status, certain arrest or conviction records, domestic violence victim status, and any other status protected by applicable law.

The purpose of this policy is for employees and other covered individuals to recognize harassment and discrimination and to know what action to take when it occurs. This policy is one component of Wadsworth Library's commitment to a harassment and discrimination-free work environment where all individuals are treated with dignity and respect.

APPLICABILITY

This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in our workplace; collectively referred to as "covered individual(s)" throughout this policy.

All covered individuals conducting business in our workplace must refrain from engaging in unlawful harassment and discrimination.

NO TOLERANCE

Harassment, discrimination, and retaliation of any kind is a violation of our policies, is unlawful, and may subject Wadsworth Library to liability for harm to targets of harassment, discrimination, and retaliation. Workplace harassment, discrimination, and retaliation will not be tolerated at Wadsworth Library. All covered individuals conducting business with Wadsworth Library are required to conduct themselves in a manner that prevents sexual or other forms of harassment and discrimination in the workplace. Any individual covered by this policy who engages in workplace harassment, discrimination or retaliation may be subject to remedial and/or disciplinary action, up to and including termination.

Harassers may also be individually subject to liability and the Wadsworth Library or supervisors/managers who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees of every level who engage in harassment, discrimination, or retaliation, including supervisors/managers who engage in harassment, discrimination, or retaliation, or who allow such behavior to continue, will be subject to disciplinary action up to and including termination.

DEFINITION OF SEXUAL HARASSMENT

Sexual harassment is unacceptable. Sexual harassment is a form of sex discrimination that subjects an employee to inferior conditions of employment due to their sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender and is unlawful under federal, state and (where applicable) local law.

Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature and may include any unwelcome conduct which is directed at an individual because of that individual's sex when:

- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment; or
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

There are two main types of sexual harassment:

- Hostile Work Environment. Behaviors that contribute to a hostile work environment may 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. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.
- Quid Pro Quo. 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 covered individual who feels harassed should report the harassment to Library Director/Library Board so that any violation of this policy can be corrected promptly. Any harassing or discriminatory conduct, even a single incident, can be addressed under 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:

- Physical assaults of a sexual nature, such as:
- Touching, pinching, patting, grabbing, brushing against another employee's body or poking another employee's body;
- Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
- Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion or other job benefits or detriments;
- Subtle or obvious pressure for unwelcome sexual activities, including repeated requests for dates or romantic gestures.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace (including visible areas of a virtual or remote workspace), 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.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, 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, name-calling;
- Intentional misuse of an individual's preferred pronouns; or
- Creating different expectations for individuals based on their perceived identities.

DEFINITION OF OTHER UNLAWFUL HARASSMENT
The creation of an intimidating or hostile working environment, based on one or more of the above protected categories, constitutes unlawful harassment. Specific types of

unlawful harassment, in addition to sexual harassment covered above, include, but are not limited to:

- Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching;
- Verbal abuse refers to verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual's actual or perceived membership in one of the protected categories listed above;
- Written harassment refers to derogatory or degrading written comments regarding, or made because of, an individual's membership in one of the categories listed above. Specific examples include, but are not limited to e-mail, text messages, memos, notes, graffiti, other visual depictions or pictures, cartoons, drawing, videos;
- Inappropriate, unwelcomed behaviors, such as offensive gestures and wearing clothes, jewelry, signage, etc. known to be offensive to particular protected classifications; and
- Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual's work performance or otherwise adversely affecting an individual's employment opportunities.

Unlawful harassment, whether it is physical, verbal or visual in nature, is a form of employee misconduct which undermines the integrity of the employment relationship within our Library.

WHO CAN BE A TARGET?
Harassers can be anyone in the workplace. Harassment can occur between any individuals, regardless of their sex or gender. New York Law protects all covered individuals. A perpetrator of workplace harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

WHERE CAN HARASSMENT OCCUR?
Unlawful harassment is not limited to the physical workplace itself. It can occur while covered individuals are working remotely, traveling for business or at employer-sponsored events or parties. Calls, texts, emails, communications in virtual meeting platforms and messaging apps and social media usage by covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices (i.e., cellphones) or during non-work hours.

REPORTING HARASSMENT

In New York, 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. Any covered individual who has been subjected to behavior that may constitute unlawful harassment or discrimination is encouraged to report such behavior to their Library Director or Library Board. Anyone who witnesses or becomes aware of potential instances of workplace harassment or discrimination should report such behavior to their Library Director or Library Board.

Reports of workplace harassment or discrimination may be made verbally or in writing. The written Incident form is at the front desk or a copy can be made from the Policy Folder. All covered individuals are encouraged to use this complaint form. Employees who are reporting potential harassment on behalf of another covered individual should use the complaint form and note that the complaint is being made on behalf of another covered individual.

Covered individuals who believe they have been a victim of workplace harassment or discrimination may also seek assistance in other available forums, as outlined in the Legal Protections and External Remedies section of this policy.

BYSTANDER INTERVENTION

Any employee witnessing harassing or discriminatory behavior as a bystander is encouraged to report it. A supervisor/manager that is a bystander to these behaviors is required to report it.

To the extent in which a bystander feels safe and comfortable, they may interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior; asking a third party to help intervene in the harassment; documenting the incident; checking in with the person who has been harassed after the incident; or confronting the harassers and naming the behavior as inappropriate.

When confronting harassment, physically assaulting an individual is never an appropriate response.

MANAGEMENT RESPONSIBILITIES

All supervisors/managers who receive a complaint or information about suspected workplace harassment or discrimination, observe what may be harassing or discriminatory behavior or for any reason suspect that harassment or discrimination is occurring, are required to report such suspected harassment or discrimination to Library Director or Library Board.

In addition to being subject to discipline if they engaged in harassing or discriminatory conduct themselves, supervisors/managers will be subject to discipline for failing to report suspected workplace harassment and discrimination or otherwise knowingly allowing workplace harassment and discrimination to continue.

Supervisors/Managers will also be subject to discipline for engaging in any retaliation.

COMPLAINTS AND INVESTIGATIONS

All complaints, information, or knowledge of suspected workplace harassment or discrimination will be investigated whether that information was reported in verbal or written form. Investigations will be thoroughly conducted in a prompt and timely manner and will be confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers, will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

Any covered individual may be required to cooperate as needed in an investigation of suspected workplace harassment or discrimination. Wadsworth Library will not tolerate retaliation against covered individuals who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations will generally be conducted in accordance with the following steps:

- Upon receipt of complaint, Library Director or the Library Board will conduct an immediate review of the allegations, assess the appropriate scope of the investigation, and take any interim actions, as appropriate. If the complaint is verbal, the individual will be encouraged to complete the "Incident Form" in writing. If the complainant chooses not to complete the Incident Form, Library Director or the Library Board will prepare a complaint form or equivalent documentation based on the complainant's verbal report.
- When applicable, Library Director or the Library Board may request, review and preserve documents relevant to the allegations, such as emails, phone records or other electronic communications.
- Library Director or the Library Board will interview all parties involved, including any relevant witnesses.
- Library Director or the Library Board will prepare written documentation of the investigation (such as a letter, memo or email), which may contain 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 or unreported; and
- The basis for the decision and final resolution of the complaint, together with any corrective actions action(s).
- Written documentation and associated documents will be maintained by the Library in a secure and confidential location.

- Following the investigation, the Library Director or the Library Board will promptly notify the complainant 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.
- The Library Director or the Library Board will inform the complainant of their right to file a complaint or charge externally as outlined in the Legal Protections and External Remedies section of this policy.

CORRECTIVE ACTION

If a report of workplace harassment or discrimination is found to be valid, immediate and appropriate corrective action will be taken. Covered individuals who violate this policy, including the provision against retaliation, will be subject to disciplinary action, up to and including termination. This determination will be based on all the facts of the case.

NO RETALIATION

Wadsworth Library will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment or discrimination.

Unlawful retaliation can be any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, having their personnel file disclosed, except where such disclosure is permitted or required by applicable law, or otherwise being subject to adverse employment action. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

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 a "protected activity." Protected activity occurs when a person has:

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

Even if the alleged harassment does not 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.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Harassment and discrimination based on a protected class is against the law. The internal process outlined in this policy is one way for covered individuals to report harassment and discrimination. 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, legal advice from an attorney may be sought.

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 and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with DHR or in the New York State Supreme Court.

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

Complaining internally to Wadsworth Library does not extend the time to file with DHR or in court. The one to three years is counted from date of the most recent incident of harassment.

An attorney is not needed to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate the complaint and determine whether there is probable cause to believe that harassment or discrimination has occurred. Probable cause cases receive a public hearing before an administrative law judge. If harassment or discrimination is found at the hearing, DHR has the power to award relief, which varies but may include requiring the employer to take action to stop the harassment, or redress the damage caused, including paying 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, (718) 741-8400, www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint. The website has a digital complaint process that can be completed on your computer or mobile device, in addition to, 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.

The DHR also maintains a toll-free hotline that accepts complaints and provides limited assistance and counseling regarding workplace sexual harassment. This hotline can be reached at 1-800-HARASS3.

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. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days of 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. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

If an employee believes that they have been discriminated against at work, they can file a "Charge of Discrimination." The EEOC has district, area and field offices where complaints can be filed. Contact the EEOC by calling (800) 669-4000 (800) 669-6820 (TTY), visiting their website at https://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 or town in which they work to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment 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 St, New York, NY 10007; 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 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 the local police department.

CONCLUSION
All covered individuals have the right to a workplace that is free from harassment and discrimination. This policy should be considered applicable to all protected classes under federal, state and local law.

Employees who have questions regarding this policy should contact the Library Director or Library Board.

Adopted by the Wadsworth Library Board of Trustees December 14, 2023