

ALBANY COUNTY PUBLIC LIBRARY
BOARD OF DIRECTORS
MINUTES OF
REGULAR MEETING OF APRIL 26, 2011

The Albany County Public Library Board of Directors met Tuesday, April 26, 2011, in the Albany County Public Library basement. Directors present were Antonio Bendezu, Terry Callaghan, Suzanne Harris, and Diana Shelton. Rebecca Roberts was excused. Library staff members present were Betsy Moore, Administrative Services Manager; Susan Simpson, Albany County Librarian; and Erin Wilkins, staff representative.

Chair Antonio Bendezu called the public hearing on the proposed Harassment Policy to order at 5:02 p.m. There being no public comment, the public hearing adjourned. Bendezu called the public hearing on the FY11 Revised Budget to order. There being no public comment, the public hearing adjourned and Bendezu called the regular meeting to order at 5:03.

CONSENT AGENDA: Terry Callaghan moved and Suzanne Harris seconded approving the consent agenda as presented: Minutes of the Regular Meeting of March 22, 2011, Statistics, Financial Reports, County Librarian's and ACPLF Executive Director's Reports. Motion carried.

COUNTY LIBRARIAN'S REPORT: Directors said they wished to continue to receive information about the growing e-book business. DeskQuest software has been taken off of some public terminals: The print management module works, but the time management component does not. Susan Simpson has calls into the sales person. The state library is moving to cloud computing with Google rather than local servers; archiving will be done in the cloud too. Tamara Meredith did a great job on the presentation to the city council. The directors would like to see a report on what each city council person voted for.

STAFF REPRESENTATIVE'S REPORT: Wilkins reported that the staff members are still hoping for raises. Bendezu said that remains top priority with the directors.

ACPLF LIAISON: Harris reported that the ACPLF had discussed Jazz Night @ the Depot, investments, and the new Endowment Challenge. The foundation needs to raise \$43K. The board is planning a celebration when the endowment reaches \$2 million. Simpson will present a five year plan for funding requests after the library board approves the draft.

CHECK REGISTERS: Diana Shelton moved and Harris seconded approving the April vouchers as presented in the amount of \$17,393.97, including online payments made to ACPE FCU Visa, ACPE FCU Book Bill Visa, FSH Communications, Kone, Neopost, Qwest, Rocky Mountain Power, Source Gas, Staples, and mileage for those who drove their own vehicles in the month and a payment of \$600.92 from the flexible spending

account. The monthly vouchers will include a separate report for the FSA from now on.
Motion carried.

Harassment Policy: Shelton moved and Callaghan seconded adopting the revised Harassment Policy as corrected:

XIX. HARASSMENT POLICY (APPROVED 11/23/04, REVISED 4/26/2011)

It is the policy of the Albany County Public Library that the workplace be free from sexual or other types of harassment and/or discrimination based upon a person's membership in any class protected by law, including gender, race, color, national origin, religion, disability and/or age. Such harassment violates federal civil rights laws and is a form of illegal discrimination. Although sexual orientation has not been recognized in Wyoming as a protected class, harassment because of a person's perceived or actual sexual orientation is included within this policy.

All members of the library community must take notice that the library is concerned about sexual and other unlawful harassment/discrimination and is prepared to take prompt remedial action to prevent and correct such behavior. Individuals who engage in sexual and other unlawful harassment/discrimination, as well as harassment/discrimination based on sexual orientation, will be subject to discipline, up to and including termination. Retaliation against a person who properly, and in good faith, reports, complains about, supports a complaint or participates in the investigation of sexual and other unlawful harassment/discrimination is likewise prohibited.

Discriminatory conduct or harassment of employees, patrons, or volunteers by supervisors, co-workers, vendors or patrons because of the employees' or volunteers' membership in the protected classes cited above or because of their sexual orientation are prohibited by this policy. Undue harassment of a general nature against employees for reasons other than those listed in this policy is not covered by this policy. An employee may report such harassment pursuant to the library's Grievance Policy, to the Problem Patron Procedure and/or to local law enforcement.

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive employment environment.

The conduct must be subjectively offensive to the person against whom it is directed. The conduct also must be objectively offensive in that a reasonable person would find it to be offensive.

Examples of sexual harassment may include, but are not limited to, the following:

- unwelcome sexual propositions;

- sexually graphic comments about a person's body;
- unwelcome touching, patting, pinching, or leering;
- persistent, offensive, and unwelcome sexual jokes and comments;
- unwelcome displays of sexually graphic pictures. (The viewing of sexually graphic material on-line by patrons may constitute harassment only if done with the intent to intimidate or harass an employee, patron, or volunteer because of their protected class.)

Sexual harassment does not refer to occasional compliments of a socially acceptable nature.

Hostile Work Environment Harassment

A hostile work environment occurs when a person is subjected to verbal or physical conduct which denigrates or shows hostility or aversion toward an individual because of his/her membership in a protected class or because of his/her sexual orientation and the conduct is so severe or pervasive as to affect the terms and conditions of the employee's job. The conduct has the purpose or effect of unreasonably interfering with the employee's work performance.

Hostile environment harassment includes, but is not limited to:

- epithets, slurs, and negative stereotyping;
- threatening, intimidating or hostile acts motivated by a person's membership in a protected class;
- written or graphic material that shows hostility or aversion to members of a protected class;
- materials or information posted or circulated in the workplace which denigrate or show hostility toward members of a protected class;
- any other conduct that creates an intimidating, hostile, or offensive work environment.

Complaints of Sexual or Other Unlawful Harassment/Discrimination

If any employee, patron, or volunteer believes that he or she has been subjected to sexual or other types of harassment and/or discrimination prohibited by law or this policy, the employee, patron, or volunteer shall report the conduct or incident at once. The report may be oral or written. If the employee is harassed or discriminated against, but does not report the incident or conduct, management will not be able to respond. Employees are encouraged to report any action that they think could be sexual harassment of themselves or others.

The employee or volunteer may report the harassment/discrimination to his/her supervisor or to the county librarian. If the report is oral, the person receiving the report shall make a written summary of the allegations for use in the investigation. The person receiving the report shall attempt to review the summary with the complainant, and obtain the complainant's signature on the summary if possible.

If the supervisor is the subject of or in any way involved in the complaint, the report may be made to the county librarian. If the county librarian is the subject of or in any way involved in the complaint, then the harassment/discrimination may be reported to the chairperson of the board of directors.

Supervisors who become aware of harassment/discrimination shall report it immediately to the county librarian, or if the county librarian is involved, to the chairperson of the board of

directors. Supervisors who fail to report allegations of sexual harassment of which they are aware may be subjected to disciplinary action.

If a concern about discriminatory conduct or harassment is reported to library management by someone other than the subject of the alleged harassment/discrimination, and the subject is unwilling or unable to provide an oral or written statement, then the library will investigate if sufficient information is furnished to enable the library to conduct a meaningful and fair investigation. Failure of a complainant or the subject of a harassment/discrimination report, to assist the library in the investigation will limit the library's ability to respond effectively to the conduct that prompted the complaint or report.

Investigation of Complaints

When a complaint of harassment/discrimination is received, the library will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances and the law. The investigation will include a private interview with the person filing the complaint and with witnesses. The investigator(s) will also interview the person alleged to have committed harassment/discrimination prohibited pursuant to this policy. Employees, volunteers, or patrons shall not willfully and knowingly attempt to interfere, obstruct or inappropriately influence the investigation.

When the investigation is complete, the library will, to the extent appropriate, inform the person filing the complaint and the person alleged to have committed the conduct of the results of the investigation. Others shall be informed of the outcome only to the extent that they have a need to know in order to investigate the complaint or implement actions taken as a result of the investigation.

The investigator(s) will be chosen by the county librarian unless the county librarian is involved in the matter to be investigated, then the board chair shall select the investigator(s). As is appropriate under the circumstances, the investigator(s) may be a library employee or may be a person or organization from outside the library.

If it is determined that inappropriate conduct has occurred, the library will act promptly to eliminate the offending conduct, and where it is appropriate the library will also impose disciplinary action in accordance with its discipline policy.

Employees, patrons, or volunteers who are interviewed regarding a complaint of harassment/discrimination shall keep the matter confidential. Employees, patrons, or volunteers may be disciplined for breaches of confidentiality. Those interviewed shall be told that they will not be informed of the outcome of the investigation, as it is a confidential personnel matter, unless they have a need to know as a part of their employment duties.

If the complaint is not substantiated and the details of the allegations have become known to employees or volunteers, the county librarian may, at the request of the accused person and when fairness so dictates, inform those with knowledge of the allegations that they have not been

substantiated. The county librarian shall reveal no other information from the investigation in implementing this paragraph. The determination of whether fairness requires the notice provided in this paragraph shall be within the sole discretion of the county librarian.

The report of investigation and the investigative file shall be kept indefinitely in a separate file maintained by the county librarian. If action is taken against an employee or volunteer as a result of an investigation held pursuant to this policy, the action and the basis for that action shall be maintained in the employee's or volunteer's personnel file. However, the investigative report and file shall not be maintained in the employee's personnel file

No Retaliation

Employees, patrons or volunteers who report harassment/discrimination in good faith will not be disciplined or retaliated against for making the report. Employees, patrons, or volunteers found to have knowingly and deliberately provided false information may be subjected to discipline.

Employees, patrons or volunteers who have witnessed harassment/discrimination will not be disciplined or retaliated against for reporting such conduct or for cooperating in an investigation.

Any employee, patron or volunteer who retaliates against any person who reports alleged harassment/discrimination or who participates in an investigation, proceeding or hearing related to such a report will be disciplined.

Distribution

This policy shall be distributed to all current employees and volunteers of the Library upon its adoption by the board of directors. Thereafter, all new employees and volunteers shall receive a copy promptly upon beginning work at the library. Each employee or volunteer shall sign a receipt acknowledging that they were provided with a copy of this policy. Employees, patrons or volunteers may request additional copies at any time.

Motion carried.

REVISED FY11 BUDGET: Harris moved and Shelton seconded adopting the revised FY11 Budget as corrected.

Expenditures	
Administration	171,249
Operations	602,349
Indirect Costs	165,205
Capital Outlay	0
Debt Services	55,086
Total Cash Requirement	993,889
Total to Add to Reserves	6,989
Revenues	
Anticipated Cash and Revenue	1,000,878

Total Estimated Revenue 1,000,878

Motion carried.

NEW BUSINESS: The board discussed the library's upcoming quasiquicentennial (125th anniversary). A joint committee with the ACPLF and FOL could organize celebrations and educate the public on the different functions of each. Planning should start now and staff included. Callaghan volunteered to serve. The committee could recommend celebrations and dates.

Callaghan moved and Shelton seconded the motion to recess the meeting at 6:00 and to move into the work session. Motion carried.

The meeting reconvened at 7:03.

POSTING ANIMAL POLICY: Harris moved and Shelton seconded approving posting the proposed policy on animals in the library for public comment until the June 28 meeting when the proposed policy will be voted on. Motion carried.

Callaghan moved and Harris seconded adjourning the meeting at 7:04 p.m.

Respectfully submitted,

Betsy Moore
Secretaries Ex-Officio

Susan Simpson
County Librarian