

XIX. HARASSMENT POLICY (APPROVED 11/23/04)

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-library~~ community must take notice that the ~~Library-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-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 the County Librarian ~~library director~~. 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 director. If the County Librarian director 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 Trustees.

Supervisors who become aware of harassment/discrimination shall report it immediately to the County Librarian Library Director, or if the County Librarian Director is involved, to the c Chairperson of the Board of Directors Trustees. 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-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-library will investigate if sufficient information is furnished to enable the Library-library to conduct a meaningful and fair investigation. Failure of a complainant or the subject of a harassment/discrimination report, to assist the Library-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-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, or volunteers, or patrons shall not willfully and knowingly attempt to interfere, obstruct or inappropriately influence the investigation.

—When the investigation is complete, the Library-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 Library Director unless the County Librarian Director 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-library employee or may be a person or organization from outside the Library/library. The decision on whether the Board or the Director select the investigator(s) shall be made by the Board Chair in consultation with the Director.

If it is determined that inappropriate conduct has occurred, the ~~Library~~ library will act promptly to eliminate the offending conduct, and where it is appropriate ~~t~~ The ~~Library~~ library will also impose disciplinary action in accordance with its ~~d~~Discipline ~~p~~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 ~~c~~Complaint is not substantiated and the details of the allegations have become known to employees or volunteers, the ~~County Librarian~~ Library Director 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~~ Directors 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~~ Director.

The report of investigation and the investigative file shall be kept indefinitely in a separate file maintained by the ~~County Librarian~~ library human resource officer. 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 or volunteer'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, patrons 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 ~~Trustees~~. Thereafter, all new employees

| and volunteers shall receive a copy promptly upon beginning work at the [Librarylibrary](#).
| Each employee or volunteer shall sign a receipt acknowledging that they were provided
| with a copy of this policy. Employees, [s. patrons](#) or volunteers may request additional
copies at any time.