

Freedom from Discriminatory Harassment in the Workplace Policy

I. PURPOSE

The purpose of this policy is to clearly establish the Siuslaw Public Library District's commitment to provide a work environment free from harassment, to define discriminatory harassment, and to set forth the procedure for investigating and resolving internal complaints of harassment.

Siuslaw Public Library District is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, the Siuslaw Public Library District expects that all relationships among persons will be respectful and professional, free of bias, prejudice and harassment in the workplace, at work-related events, at any activity coordinated by or through the District. This policy also prohibits discrimination and/or harassment between an employer and employee off the employment premises. Additionally, the Siuslaw Public Library provides a work environment free from sexual harassment and sexual assault.

Harassment is prohibited whether committed by Siuslaw Public Library District employees (including substitute/on-call or temporary workers) or by non-employees (including volunteers, interns, elected officials, contactors, vendors, and patrons). Employees and non-employees must not engage in any form of discrimination, workplace harassment, sexual assault, or sexual harassment.

The Siuslaw Public Library District has developed this policy to ensure that all its employees and non-employees can work in an environment free from unlawful harassment, discrimination, and retaliation. The District will make every reasonable effort to ensure that all concerned are familiar with these policies and are aware that any complaint in violation of these policies will be investigated and resolved appropriately.

Discrimination, harassment, and retaliation are not acceptable.

Any employee who has questions or concerns about these policies should talk with the Library Director. As an alternative you may reach out to the Assistant Library Director.

II. POLICY

A. Discrimination against or harassment of an applicant, contractor, vendor, patron, board member, supervisor, intern, volunteer, manager, or employee by a supervisor, management employee, or co-worker on the basis of race, religion, religious observance, color, sex, age, national origin, physical or mental disability, marital or familial status, gender identity or expression, citizenship status, source or level of income, medical condition, pregnancy, marital status, injured worker status, family relationships, political affiliation, sexual orientation, veteran or military status, association with members of a protected class, or any other protected class or type of harassment or discrimination prohibited by law or policy (hereinafter referred to as their protected class). will not be tolerated by the Siuslaw Public Library District.

This policy applies to all terms and conditions of employment, including but not limited to hiring, placement, promotion, disciplinary action, layoff, reinstatement, transfer, leave of absence, compensation and training. Employees, supervisors, or management employees found to be participating in any form of job-based harassment, discrimination, or retaliating against any other employee shall be subject to disciplinary action up to and including termination from employment.

B. All employees of the Siuslaw Public Library District will receive training in recognizing and preventing discriminatory harassment in the workplace. This training will be completed within the first 90 days of employment and on an ongoing basis at the discretion of the Library Director. Each new employee will additionally receive a copy of this policy as part of their orientation material.

III. TYPES OF HARASSMENT

The following definitions exclude items found in any physical or digital collection of the Siuslaw Public Library District, displayed as part of the Library District's public art program, or otherwise addressed in the Siuslaw Public Library District's Free Speech Policy or affirmation of the American Library Association's Library Bill of Rights, Freedom to Read, Freedom to View, and Free Access to Libraries by Minors statements.

Sexual harassment constitutes discrimination and is illegal under federal and state laws. For the purposes of this policy, "sexual harassment" is defined, as in the Equal Employment Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: a) submission to

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

Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment: a) quid pro quo and b) hostile work environment. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Oregon Law provides further protection from sexual assault defined as unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

A. Verbal Harassment - Epithets, derogatory comments, slurs, propositioning, or otherwise offensive words or comments on the basis of a person's protected class, whether made in general, directed to an individual or to a group of people regardless of whether the behavior was intended to harass. This includes but is not limited to inappropriate sexually-oriented comments on appearance, including dress or physical features, sexual rumors, and race-oriented stories.

B. Physical Harassment - Assault, impeding or blocking movement, leering, or the physical interference with normal work, privacy or movement when directed at an individual on the basis of a person's protected class. This includes pinching, patting, grabbing, inappropriate behavior in or near library facilities or facilities where library events are being conducted, or making explicit or implied threats or promises in return for submission to physical acts.

C. Visual Forms of Harassment - Derogatory, prejudicial, stereotypical or otherwise offensive posters, photographs, cartoons, notes, bulletins, drawings, videos, digital images, or pictures on the basis of a person's protected class.. This applies to both posted material or material maintained

in or on the Siuslaw Public Library District's equipment or personal property in the workplace.

D. Sexual Harassment - Any act which is sexual in nature and is made explicitly or implicitly a term or condition of employment, is used as the basis of an employment decision, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

E. Discrimination – Making employment decisions related to hiring, firing, transferring, promoting, demoting, benefits, compensation, and other terms and conditions of employment based upon, or because of, an employee's protected class.

F. Workplace Harassment – Any form of offensive treatment or behavior which, to a reasonable person, creates an intimidating, hostile, or abusive work environment. Workplace harassment may include intimidating, threatening, humiliating, or violent behavior, which is motivated wholly or in part by a person's protected class.

IV. COMPLAINT PROCESS

The Siuslaw Public Library District encourages reporting of all perceived incidents of discrimination, harassment, or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct or who believe they have witnessed such conduct should discuss their concerns with the Library Director, or the Assistant Library Director.

The use of this procedure is limited to complaints related to discriminatory workplace harassment on the basis of a person's protected class. If any person feels they are the victim of any form of harassment, they should inform the person(s) participating in this behavior that they find it offensive. This one-on-one confrontation has been demonstrated to be an effective way to end harassing behaviors. If the inappropriate behaviors do not stop, the offended employee can initiate the complaint process as described below. Because confrontation is difficult for some people and because of the complex nature of harassment, employees are not required to confront an offending party prior to initiating this complaint procedure.

Following receipt of a complaint or concern District management will follow-up every three months for one year to ensure no further concerns or retaliation are experienced. Employees should not wait for management to follow-up to share related experiences. If an employee would like to

discontinue the follow-up process a request must be submitted in writing to the Library Director.

V. INTERNAL COMPLAINT PROCEDURE

Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with the Library Director. If you are unable to reach the primary contact please reach out to Assistant Library Director. We encourage employees to document the event(s), associated date(s), and potential witnesses.

A complaint against the Library Director may be made with any member of the Siuslaw Public Library District's Board of Directors, who will then report to the rest of the Board, and that body will investigate and take action as outlined below.

A. Initiating a Complaint– The Siuslaw Public Library District encourages the prompt reporting of complaints or concerns so that quick and helpful action can be taken. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment. However, complaints and concerns may be brought forward within four years of the alleged violation. The initial report can be made verbally or by using a provided Siuslaw Public Library Complaint of Discriminatory Harassment form.

Immediately upon receiving such a complaint, the employer or supervisor receiving the complaint will provide a copy of this policy to the employee making the report.

The verbal or written complaint should contain the following:

1. The name of the person filing the report;
2. The name of the person making the report of discrimination;
3. The names of all parties involved, including any witnesses;
4. A specific and detailed description of the conduct or action that the employee believes is discriminatory or harassing;
5. The date or time period in which the alleged conduct occurred; and
6. A description of the remedy the employee desires

B. Receipt of Complaint -

Upon receipt of the complaint, the Library Director will notify the District's Board of Directors that a formal complaint has been received alleging discriminatory harassment. This notification to the Board will be in writing, and will take place within 24 hours of receipt of the complaint. The Library Director will also contact the Special District Association of Oregon's Pre-Loss

Legal Department within 24 hours. Concurrently, a formal investigation of the complaint will be commenced.

C. Investigation of Complaint - Upon notification of a harassment complaint, the Library Director or designee shall conduct an initial investigation. Any reported allegations of harassment, discrimination or retaliation will be investigated quickly. The investigation may include individual interviews with the parties involved and, where necessary, with individuals who may have observed the event(s) or may have other relevant knowledge.

As part of the investigation, the Library Director or designee will contact the alleged harasser(s) who will be informed of the basis of the complaint and will be provided an opportunity to respond. The response from the alleged harasser(s) shall be in writing, addressed to the Library Director and received by the Library Director, within five (5) calendar days after being notified of the complaint. Upon receipt of the response, the Library Director may further investigate the formal complaint. Such investigation may include interviews with the complainant, the accused harasser(s) and any other persons determined by the Library Director to possibly have relevant knowledge concerning the complaint. This may include other victims of similar conduct. Factual information gathered through the investigation will be reviewed to determine whether the alleged conduct constitutes harassment, giving consideration to all factual information, the totality of the circumstances including the nature of the verbal, physical, visual or sexual conduct and the context in which the alleged incident(s) occurred.

The results of the investigation and the determination as to whether harassment occurred shall be final and binding and will be reported to appropriate persons including the complainant and the alleged harasser(s) within twenty (20) calendar days from the receipt of the response.

D. As outlined in the Siuslaw Public Library District's Whistleblower Policy, reports of violations or suspected violations of any local, state, or federal laws or regulations, including discriminatory harassment, should be made to the most appropriate person within the Siuslaw Public Library District's organizational hierarchy, including the Board of Directors. Nothing in this policy prevents an employee from filing a formal complaint outside the District to the U.S. Equal Opportunity Employment Commission or the Civil Rights Division of the Oregon Bureau of Labor and Industries.

VI. DISCIPLINARY ACTION

If harassment is determined to have occurred, the Library Director shall take prompt and effective remedial action against the harasser. The action will be commensurate with the severity of the offense, up to and including

termination from employment. If discipline is imposed, the nature and extent of the discipline will not be divulged to the complainant. Responsive action may include, for example, training, referral to counseling or corrective action such as a written warning, reprimand, withholding of a promotion or pay increase, reassignment, temporary suspension without pay, or termination as the Siuslaw Public Library District believes appropriate under the circumstances. If the harassment or discrimination was committed by a non-employee of the Library District, responsive action may be taken up to and including the suspension or dissolution of their business or volunteer relationship with the Siuslaw Public Library District.

VII. RETALIATION

Retaliation in any manner against a person for filing a harassment charge or initiating a harassment complaint, testifying in an investigation, providing information or assisting in an investigation, is expressly prohibited and subject to disciplinary action up to and including termination. The Library Director will take reasonable steps to protect the victim and other potential victims from further harassment, and to protect the victim from any retaliation as a result of communicating the complaint.

We encourage reporting of all perceived incidents of discrimination or harassment. It is the policy of the Siuslaw Public Library District to promptly and thoroughly investigate such reports. We prohibit retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports

VIII. CONFIDENTIALITY

Confidentiality will be maintained to the fullest extent possible in accordance with applicable Federal, State, and local law. However, any victim of workplace harassment may voluntarily disclose information regarding an incident that in which they were the subject of discriminatory harassment.

IX. FALSE COMPLAINTS

Any complaint made by an employee of the Siuslaw Public Library District regarding job-based harassment which is conclusively proven to be false, may result in discipline of the complainant up to and including termination. This section is not intended to discourage employees from making complaints regarding job-based harassment. However, false complaints adversely impact the workplace and the career of the accused, even when disproved, and will not be tolerated. False and malicious complaints of harassment, discrimination or retaliation (as opposed to complaints that, even if erroneous, are made in good faith) may be the subject of appropriate disciplinary action.

X. EXTERNAL COMPLAINT PROCEDURES

We encourage employees to bring their concerns and complaints to the District, and understand that, at times, this may not be the choice of the employee. Below is a list of the external complaint options:

- Oregon Bureau of Labor and Industries at the following web address: https://www.oregon.gov/boli/CRD/Pages/C_Crcompl.aspx
- Civil or Criminal Action. In these circumstances, a Notice of Claim must be provided to us in accordance with ORS 30.275.

XI. EMPLOYMENT AGREEMENTS

No employee will be required or invited to sign an agreement requiring the non-disclosure of information related to discrimination or sexual assault as a condition of employment, continued employment, promotion, compensation or the receipt of benefits. An employee may request this type of agreement and they will then be provided at least seven (7) days to change their mind after making any such agreement.

XII. ADDITIONAL EMPLOYEE SUPPORT SERVICES

Employees may choose to use other support services throughout and following instances related to concerns and complaints. The Siuslaw Public Library provides an Employee Assistance Program (EAP) through Cascade Centers. For access to confidential help 24 hours a day, seven days a week, employees can call 1-800-433-2320 or go online to www.cascadecenters.com. The EAP provides confidential counseling services, educational resources, and legal consultation for Library District employees.

The Siuslaw Public Library District cannot provide legal resources to its employees or make referrals to specific attorneys. Employees may contact the Oregon State Bar for needed assistance and resources online at osbar.org.

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