

HARASSMENT POLICY

Adopted by the Cedar Mill Community Library Association Board of Directors on February 27, 2018

PURPOSE

The Cedar Mill Community Libraries (hereafter referred to as CML and includes both branches) are committed to an equal employment opportunity environment. CML 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, CML expects that all relationships will be business-like and free of bias, prejudice and harassment.

CML has developed this policy to ensure that its staff, which includes volunteers as well as full time, part time, and on-call paid employees, can work in an environment free from unlawful discrimination, harassment and retaliation. Discrimination, harassment and retaliation are unlawful and will not be tolerated under any of the circumstances listed below or for any other basis protected by federal, state, or local law or ordinance or regulation:

- Age
- Family relationship
- Gender
- Gender expression
- Gender identity
- Marital status
- Medical condition
- Mental disability
- Military status
- National ancestry
- National origin
- Physical disability
- Political affiliation
- Race
- Religious creed
- Sex
- Sexual orientation
- Skin color
- Veteran status

Discrimination or harassment can occur between library patrons, between library staff, or between library patrons and library staff. Discrimination and harassment are injurious to staff and may expose CML to significant liabilities. Consequently, harassment is just cause for disciplinary action, up to and including termination of employment and/or exclusion from library property. This policy applies to all staff and supervisors and all persons involved in operation of the Library. Staff is protected from harassment by co-workers, supervisors, managers, patrons, customers, volunteers, contractors, suppliers, vendors or guests. Similarly, staff is prohibited from engaging in harassment of co-workers, supervisors, managers, patrons, customers, volunteers, contractors, suppliers, vendors or guests.

POLICY

DISCRIMINATION

- A. Discrimination is the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs, rather than on individual merit.
- B. In the employment context, discrimination may begin with an adverse employment action, which is something an employer has done that is unfair to staff (for example: terminating staff or not selecting them for hire or a promotion, harassing staff, denying staff's request for a reasonable accommodation, etc.). If it is determined that the staff or applicant's membership in a protected category was the reason for the adverse employment action, this may lead to a policy violation and disciplinary action may be taken.

HARASSMENT

- A. Harassment includes conduct that creates an intimidating, offensive or hostile environment or that interferes with work performance. Harassment is verbal, written or physical conduct that denigrates or shows hostility or aversion toward an individual. CML's policies are more stringent than the law and disciplinary action may be taken where behaviors could contribute to a hostile environment, but do not strictly meet the standards for unlawful conduct.
- B. Harassment includes:
 - 1. Verbal conduct, such as derogatory comments, threats, denigrating jokes, notes, epithets and slurs
 - 2. Physical conduct, such as inappropriate gestures, impeding or blocking movement, intimidating or hostile acts or other physical interference directed at an individual because of the individual's protected characteristic.
 - 3. Visual displays, such as derogatory posters, cartoons, or drawings. Visual harassment may also include inappropriate usage of the Internet or email to display derogatory or offensive content. Library Internet resources cannot be used to engage in harassment. Electronic harassment such as sexting (sending messages with sexual content, including pictures, video, or sexually explicit language), cyber stalking or bullying, and threats via any form of electronic communication, including, but not limited to, email, text messages, online postings, blogs, instant messages and social network platforms.
- C. Harassment can be physical and/or psychological in nature. An aggregation of a series of incidents can constitute harassment even if the individual incidents considered on their own would not constitute harassment. Conduct can be harassment even if the harasser shares protected characteristics with the person harassed, or when it is based on mere perceptions of protected traits or associations relevant to protected traits.

SEXUAL HARASSMENT

- A. Sexual harassment constitutes discrimination and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:
 - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment
 - 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual

3. 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.

B. There are two types of sexual harassment:

1. Quid pro quo, or "This for that," harassment is when a person of authority either promises to give someone a better position, better pay, or some other improvement in a job or working conditions, or else threatens to fire, report, lower pay, or otherwise do damage to someone's position or reputation, in exchange for sexual favors.
2. Hostile work environment is when a coworker or associate makes someone's work environment uncomfortable using sexual behavior, suggestions, gestures, comments, images or other conduct. It can also include conduct that is not sexual in nature but is gender related. For example, ridiculing an individual based on their non-conforming behavior, appearance, or gender expression.

C. 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:

1. Unwanted sexual advances or requests for sexual favors
2. Sexual jokes and innuendo
3. Verbal abuse of a sexual nature
4. Commentary about an individual's body, sexual prowess or sexual deficiencies
5. Leering, whistling or touching
6. Insulting or obscene comments or gestures
7. Display in the workplace of sexually suggestive objects or pictures
8. Other physical, verbal or visual conduct of a sexual nature

I. **PROCEDURE FOR COMPLAINT PROCESS**

1. Staff

All staff are responsible for keeping the work environment free of harassment. Any staff who witnesses an incident of harassment or is told of an incident of harassment should immediately report it to their supervisor, manager, Human Resources, the Executive Director, or to any other supervisor or manager they deem appropriate.

Staff who believe they have been subjected to harassment by a co-worker, supervisor, manager, member of the public, or other person connected with CML, should immediately report the incident(s) to their supervisor, manager, Human Resources, the Executive Director, or to any other supervisor or manager they deem appropriate so that complaints can be quickly and fairly resolved.

The complaint should be specific and should include the name of the individual involved and the names of any witnesses. Complaints will be investigated thoroughly, promptly and objectively. If there is a determination that unlawful harassment has occurred, effective remedial action will be taken commensurate with the severity of the offense. Appropriate action also will be taken to deter any future harassment.

2. Supervisors and Managers

Supervisors and managers have the duty to ensure that the work environment is free from harassment. They must deal expeditiously and fairly with allegations of harassment within their departments whether or not there has been a written or formal complaint. When management becomes aware that harassment might exist, it is obligated by law to take prompt and appropriate action, whether or not the victim cooperates. Any supervisor who becomes aware of possible harassment is obligated to report it for timely and appropriate investigation and handling.

Supervisors and managers must:

- a. Ensure that all employees are aware that
 - Harassment is prohibited
 - They have a right to complain about such behavior
 - They will be protected from retaliation
 - Incidents should be reported to help ensure they will not recur
 - Prompt appropriate follow-up action will be taken to stop such behavior if the supervisor or manager learns of the problem
 - Harassment may be grounds for disciplinary action
- b. Act promptly to investigate harassment
- c. Ensure that complaints and incidents of harassment are reported to Human Resources
- d. Take corrective action to prevent prohibited conduct from recurring

3. Human Resources

Human Resources must:

- a. Advise supervisors and managers on handling harassment complaints
- b. Assist staff who believe they are being subjected to harassment
- c. Investigate alleged harassment in a timely and impartial manner and attempt to resolve harassment complaints
- d. Advise all parties about the confidentiality of the complaints and the process
- e. Ensure that both the individual filing the complaint (hereafter referred to as the complainant) and the accused individual (hereafter referred to as the respondent) are aware of the seriousness of a harassment complaint
- f. Explain CML's harassment policy and investigation procedures to the complainant and the respondent
- g. Provide for appropriate remedial actions, resolution of complaints, and timely closure of investigation
- h. Explore informal means of resolving harassment complaints
- i. Notify law enforcement if criminal activities are alleged
- j. Prepare a written report

4. Public

Patrons, customers, contractors, vendors, suppliers, guests and others conducting business with the Library are required to refrain from harassing library staff. Supervisory staff will make an effort to determine the facts of the situation upon its being reported by staff or observed by the supervisor.

When the supervisor is satisfied that harassment of staff by a member of the public or other person conducting business with the Library is taking place, the supervisor shall immediately warn the patron or other person that they are in violation of this policy and the behavior will not be tolerated. The person who violates this policy may

be required to immediately leave the library premises. A suspension of library borrowing and/or use privileges may ensue. Law enforcement may be involved if necessary.

IV. CONFIDENTIALITY

To the extent feasible, proceedings, reports and records are confidential to the parties involved. Reasonable effort is made to protect the privacy interests of the parties. Information will be given only to those who have a need to know.

V. RETALIATION

CML encourages reporting of all incidents of harassment, without fear of retaliation. CML prohibits retaliation against any individual who reports harassment or participates in an investigation of such reports. Any individual who believes they have been subjected to retaliation shall report the conduct in the same manner as harassment is to be reported.

VI. DISCIPLINE

Staff that violate this policy are subject to appropriate discipline, up to and including termination of employment and/or exclusion from library property. Additionally, persons who violate this policy may also be subject to civil damages or criminal penalties. False claims of harassment made in bad faith may subject staff to disciplinary action if deliberate factual misrepresentations are established by an investigation.

VII. INTERNET ACCESS BY PATRONS

Adult patrons have a First Amendment right to view constitutionally protected materials in the Library. An adult patron has the right to select unfiltered access to the Internet. This right may result in a patron accessing adult pornography or other derogatory or offensive material. While the Library is committed to the protection of access to information, the Library is equally committed to proactively addressing any behavior that may interfere with a respectful working environment for library staff. The Library has taken steps to minimize exposure to the extent possible, consistent with staff members' particular job duties. Staff should refer to the Internet Acceptable Use policy. Many staff positions include the risk of incidental exposures to offensive or derogatory content on the Internet. While steps can and will be taken to minimize potential exposure, the risk cannot be completely eliminated.

Inadvertent exposure to offensive or derogatory materials is not harassment. In contrast, if a library patron is deliberately targeting staff with sexually explicit or other derogatory materials this may, in some circumstances, be actionable harassment. Staff who believe they have been subject to harassment by a library patron should follow the reporting guidelines herein.

VIII. DEFINITIONS

- Age - refers to the chronological age of any individual.
- Family relationship - means a group of persons who are connected by blood or by affinity or through law within two or three generations.
- Gender - means sex, and includes a person's gender identity and gender expression.
- Gender expression - means a person's gender-related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth.
- Gender identity - a person's identification as male, female, a gender different from the person's sex at birth, or transgender.

- Genetic information - includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about the manifestation of a disease or disorder in an individual's family members (i.e. family medical history). Family medical history is included in the definition of genetic information because it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future. Genetic information also includes an individual's request for, or receipt of, genetic services, or the participation in clinical research that includes genetic services by the individual or a family member of the individual, and the genetic information of a fetus carried by an individual or by a pregnant woman who is a family member of the individual and the genetic information of any embryo legally held by the individual or family member using an assisted reproductive technology.
- Marital status - person's state of being single, married, separated, divorced, or widowed.
- Medical condition - a disease, illness or injury; any physiologic, mental or psychological condition or disorder.
- Mental disability - having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity.
- Military and Veteran status - means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the Oregon National Guard
- National ancestry - refers to the country, nation, tribe or other identifiable group of people from which a person descends. It can also refer to the physical, cultural or linguistic characteristics of the person's ancestors.
- National origin - refers to a person's, or their ancestor's, country of birth or because a person has physical, cultural or linguistic characteristics of a national origin group.
- Physical disability - any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine and limits a major life activity.
- Political affiliation - when a person associates themselves with and takes the ideas and morals of a certain political group.
- Race - refers to a group of people united or classified together based on a common history, nationality or geography.
- Religious creed - includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices.
- Sex - gender identity and gender expression.
- Sex Stereotype - an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.
- Sexual orientation - the sex of those to whom one is sexually and romantically attracted.
- Skin color - refers to the color or shade of a person's skin.
- Transgender - a general term that refers to a person whose gender identity differs from the person's sex at birth. A transgender person may or may not have a gender expression that is different from the social expectations of the sex assigned at birth. A transgender person may or may not identify as "transsexual."

Note: Policy based on Sacramento Public Library Policy