HARASSMENT POLICY

Adopted by the Cedar Mill Community Library Association Board of Directors on June 20, 2023.

The Cedar Mill Community Library Association [CMCLA] prohibits unlawful discrimination and harassment. This policy defines the terms and provides a complaint procedure for employees or volunteers who believe they have been the victims of prohibited conduct. This policy applies to all matters related to hiring, firing, transfer, promotion, benefits, compensation, and other terms and conditions of employment.

DISCRIMINATION AND WORKPLACE HARASSMENT

It is CMCLA's policy to provide a work environment free from unlawful discrimination or harassment on the basis of race, color, religion, sex, sexual orientation, national origin, marital status, age, expunged juvenile record, performance of duty in a uniformed service or physical or mental disability, or any other characteristic protected by local law, regulation, or ordinance.

It is our policy that all employees, volunteers, patrons, clients, contractors, and visitors to the work site are entitled to a respectful and productive work environment free from behavior, action, or language that constitutes workplace harassment or discrimination. The "workplace" includes when employees or volunteers are on CMCLA premises, at a CMCLA-sponsored off site event, traveling on behalf of CMCLA, or conducting CMCLA business, regardless of location.

The policy prohibits any conduct at work that a reasonable person in the individual's circumstances would consider unwelcome, intimidating, hostile, threatening, violent, abusive, or offensive. It also prohibits employment actions, including hiring, promotion, termination, and compensation decisions, to be taken based on a protected characteristic. This policy also prohibits any form of retaliatory action toward an employee or volunteer for filing a complaint of discrimination or harassment, or for participation in an investigation of a complaint.

Workplace harassment can be based on national origin, age, sex, race, disability, religion, sexual orientation, gender identity, or gender expression. It may also encompass other forms of unwelcome, hostile, intimidating, threatening, humiliating, or violent behavior that is not necessarily illegal, but still prohibited by this policy.

Sexual harassment is a form of workplace harassment and includes, but is not limited to, the following types of conduct:

- Unwelcome sexual advances, requests for sexual favors, or other conduct of a sexual nature when such conduct is directed toward an individual because of that individual's sex and submission to 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 that individual.
- Unwelcome verbal or physical conduct that is sufficiently severe or pervasive to have the purpose or effect of unreasonably interfering with work performance or creating a hostile, intimidating or offensive working environment.

SEXUAL ASSAULT

Unwanted conduct of a sexual nature that is inflicted upon a person or compelled through the use of physical force, manipulation, threat, or intimidation.

PROHIBITED CONDUCT

This policy prohibits conduct based on an individual’s protected class status. Although by no means all-inclusive, the following examples represent prohibited behavior:

- Physical harassment, including but not limited to unwelcome physical contact such as touching, impeding or blocking movement, or any physical interference with work;
- Verbal harassment, including but not limited to disparaging or disrespectful comments, jokes, slurs, innuendoes, teasing, and other sexual talk such as jokes, personal inquiries, persistent unwanted courting and derogatory insults;
- Nonverbal harassment, including but not limited to suggestive or insulting sounds, obscene gestures, leering or whistling;
- Visual harassment, including but not limited to displays of explicit or offensive calendars, circulation of derogatory content, posters, pictures, drawings or cartoons that reflect disparagingly upon a class of persons or a particular person; or
- Sexual harassment, as described above, including but not limited to unwelcome sexual advances, requests for favors in exchange for conduct of a sexual nature, submission to unwelcome conduct of a sexual nature in exchange for a term of employment, or other conduct of a sexual nature.

PENALTIES

CMCLA will not tolerate discriminatory conduct, harassment, or sexual assault. Any individual found to have engaged in such conduct will face disciplinary action up to, and including, dismissal. CMCLA will also subject managers and supervisors who fail to report known harassment – or fail to take prompt, appropriate corrective action — to disciplinary action, including potential dismissal.

RETALIATION PROTECTIONS

CMCLA prohibits retaliation against any employee for filing a complaint regarding conduct in violation of this policy. CMCLA will not tolerate retaliation against any employee for raising a good faith concern, for providing information related to a concern, or for otherwise cooperating in an investigation of a reported violation of this policy. Any employee who retaliates against anyone involved in an investigation is subject to disciplinary action, up to and including dismissal.

REPORTING PROCEDURE

Any employee or volunteer aware of or experiencing discrimination, harassment or sexual assault in the workplace should report that information immediately to either Executive Director, Business Manager, or direct supervisor. An employee or volunteer may make the report verbally or in writing. As an alternative, an employee or volunteer may report the harassment to the manager of any departmental unit. Employees or volunteers may report to any of the persons listed above, regardless of any particular chain of command. All employees and volunteers are encouraged to document any incidents involving discrimination, harassment, and sexual assault as soon as possible.

NONDISCLOSURE OR NONDISPARAGEMENT AGREEMENTS

Under this policy, **a nondisclosure agreement** is any agreement by which one or more parties agree not to discuss or disclose information regarding any complaint of work-related harassment, discrimination, or sexual assault, including the amount or terms of a settlement.

A **nondisparagement** agreement is any agreement by which one or more parties agree not to discredit or make negative or disparaging written or oral statements about any other party or CMCLA.

A **no-rehire provision** is an agreement that prohibits an employee from seeking reemployment with CMCLA and allows CMCLA to not rehire that individual in the future.

The organization will not require a former, current or prospective employee to enter into any agreement if the purpose or effect of the agreement prevents the employee from disclosing or discussing conduct constituting discrimination, harassment, or sexual assault.

An employee claiming to be aggrieved by discrimination, harassment, or sexual assault may, however, voluntarily request to enter into a settlement, separation, or severance agreement which contains a nondisclosure, nondisparagement, or no-rehire provision and will have at least seven days to revoke any such agreement. The organization will not offer a settlement on the condition of a request for these terms.

TIME LIMITATIONS

Nothing in this policy precludes any person from filing a formal grievance with the Bureau of Labor and Industries' Civil Rights Division or the Equal Employment Opportunity Commission. Note that Oregon state law requires that any legal action taken on alleged discriminatory conduct (specifically that prohibited by ORS 659A.030, 659A.082 or 659A.112) commence **no later than five years** after the occurrence of the violation. Other applicable laws may have a shorter time limitation on filing.