



Anti-Harassment Policy

This Policy is part of the *Buffalo & Erie County Public Library Personnel Policies and Procedures Manual*.

This policy is for application to those libraries within the City of Buffalo (Central Library and Buffalo Branch Libraries) and Buffalo & Erie County Public Library System functions.

I. Statement of Philosophy

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining a work environment free of unlawful discrimination and harassment. B&ECPL will not tolerate unlawful harassment of its employees by any supervisor, coworker, volunteer, patron or any other person.

B&ECPL prohibits all forms of unlawful harassment, which includes any unwelcome conduct, whether verbal, physical or visual, that is based upon a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law. Such conduct is unlawful and prohibited whenever it affects tangible job benefits, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile or offensive working environment.

II. Forms of Harassment

A. Sexual Harassment consists of unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature whenever:

1. Submission to the conduct is made either an explicit or implicit condition of employment;
2. Submission to or rejection of the conduct is used as a basis for an employment decision affecting the harassed employee; or
3. The harassing conduct unreasonably interferes with an employee's work performance or creates an intimidating, hostile or offensive working environment.

B. Sexual Harassment can involve an almost infinite variety of conduct and can occur between individuals of the opposite or same sex. Some examples of Sexual Harassment include but are not limited to:

1. Unwelcome physical contact with sexual overtones such as touching, patting, pinching, repeatedly brushing up against someone or impeding the movement of another person;
2. Sexually offensive comments such as slurs, jokes, epithets and innuendo;
3. Sexually oriented kidding or teasing or sexually oriented practical jokes;
4. Suggestive or obscene written comments in notes, letters, invitations or e-mails;
5. Inappropriate repeated, or unwelcome sexual flirtations, advances or propositions;
6. Offensive visual contact such as staring, leering, gestures or displaying obscene objects, pictures or cartoons;
7. Exchanging or offering to exchange any kind of employment benefit for a sexual concession (e.g., promising a promotion or raise in exchange for sexual favors);
8. Withdrawing or threatening the withdrawal of any kind of employment benefit for refusing to grant a sexual favor (e.g., suggesting that an individual receive a poor performance review or be denied a raise unless s/he goes out on a date with a supervisor); or
9. Any action taken because of an individual's gender that alters the terms, conditions and/or privileges of employment.

C. Other examples of prohibited Harassment:

1. Offensive comments such as racial or ethnic slurs, jokes, epithets and innuendo;
2. Conduct oriented kidding, teasing or practical jokes based on a person's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law;
3. Harassing conduct based on gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that unreasonably interferes with an employee's work performance or creates an intimidating, hostile, or offensive working environment; or
4. Any action taken because of an individual's gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic

predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law that alters the terms, conditions and/or privileges of employment.

III. Applicability of Policy

The prohibition against unlawful harassment applies to everyone: managers, supervisors, salaried and hourly employees, temporary employees, volunteers, contractors, patrons, trustees, public officials and appointed administrative officers.

The Library will not tolerate harassment of any kind by anyone.

IV. Procedure

A. Reporting Harassment

The Library encourages individuals who believe they are being harassed to firmly and promptly notify the offender that his/her behavior is unwelcome. However, the Library also recognizes that such a confrontation may be uncomfortable or even impossible. In the event that such informal and direct communication between individuals cannot be accomplished for any reason or is ineffective or inappropriate, given the circumstances or severity of the situation, the following steps should be taken to report harassment:

1. Notify Appropriate Staff

- a. Employees, supervisors and managers must report any incident of sexual or other harassment.
- b. Individuals who believe they have been sexually harassed or subject to harassment because of race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, or any other basis protected by federal, state or local law, should immediately report the incident to his/her direct supervisor.
- c. If the supervisor is the alleged harasser or the employee is uncomfortable reporting the alleged harassment to the supervisor, the incident should be reported directly to the Department Head. In the event that the circumstances of the situation make it inappropriate to report the incident to the individual's supervisor or to his/her Department Head, the incident should be reported directly to the Human Resources Officer at 858-7190.
- d. Supervisors and managers must report any incident of sexual harassment or unlawful harassment even if they are not the target or victim of such harassment to the Human Resources Officer.

2. Promptly Report Complaint

B&ECPL encourages the prompt reporting of complaints so that a rapid response and appropriate action may be taken. Failure to promptly report a complaint can hinder an effective investigation. A prompt report not only aids the complainant but also helps to maintain an environment free from discrimination for all employees.

3. Prepare Written Report of Misconduct

An accurate record of objectionable behavior or misconduct is needed to resolve a formal complaint of harassment. Both verbal and written reports of harassment must be submitted to the Human Resources Officer for investigation. Upon receipt of a complaint of unlawful harassment Human Resources will complete a formal written report of the complaint, if not already done by the complainant or his/her supervisor.

Individuals who believe they have been or are currently being harassed should maintain a record of objectionable conduct in order to prepare effectively for the investigation.

B. Investigating the Complaint

1. Confidentiality

Any allegation of unlawful harassment received by Human Resources will be investigated promptly. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.

2. Investigation Process

B&ECPL will investigate thoroughly and quickly any incident of harassment or sexual harassment and will make every effort to take the wishes of the complainant into consideration, keeping the complainant informed as to the status of the investigation.

Depending on the circumstances of the complaint of unlawful harassment, Human Resources will determine if the investigation will be completed internally by the Human Resources Officer or if it is more appropriate to forward the complaint to a third party for investigation. B&ECPL has an established relationship with the Erie County Equal Employment Opportunity Office (EEO) and may utilize their investigation services and procedures. As necessary, Human Resources will promptly forward the written report of harassment to the EEO Office and complainant will be advised of same.

C. Discipline for Engaging In Harassment

Depending on the nature and seriousness of the offense, the Library will impose appropriate discipline, up to and including termination, against any manager, supervisor or employee found to have engaged in any form of unlawful harassment. When a patron, volunteer or other person not employed by the Library is found to have engaged in unlawful harassment against a Library employee, the Library Human Resources Office will advise the person of the Library's policy against such harassment, and will take such other actions as are appropriate under the circumstances.

V. Protection against Retaliation

The Library will not, in any way, retaliate against an individual who makes a complaint of harassment or against any participant in the investigation; nor will it permit any supervisor, manager, or employee to do so. Retaliation is defined as discriminating against an employee or applicant because s/he opposed an unlawful employment practice or made a charge, testified, assisted or participated in any manner in an investigation, proceeding or hearing.

Retaliation is a serious violation of this harassment policy and should be reported immediately. Depending on the nature and seriousness of the offense, the Library will impose appropriate discipline, up to and including termination, against any manager, supervisor or employee found to have retaliated against another individual for reporting harassment.

A. Examples of Retaliation Include:

1. Treating someone who has reported an incident of harassment or participated in an investigation differently from other employees (e.g. cold shoulder).
2. Disciplining an individual, making negative comments, reducing individual's responsibility, denying a transfer, giving unfavorable evaluations, scrutinizing an individual's work, etc. who has reported an incident of harassment or participated in an investigation.
3. Subjecting an individual to any adverse employment action for reporting an incident of harassment or participating in an investigation.
4. Encouraging or ordering other staff to retaliate against an individual who has reported an incident of harassment or participated in an investigation.
5. Engaging in other behavior that can reasonably be construed to be retaliatory.

VI. Legal Remedies for Harassment

Employees or job applicants who believe they have been harassed or retaliated against in violation of this policy should first file an internal complaint with the Library's Human Resources Officer. If an employee or job applicant is dissatisfied with the

response, s/he may file a complaint with the Equal Employment Opportunity Commission (EEOC) at (716)551-4441 and/or the New York State Division of Human Rights at (716)847-7632, which are authorized to investigate the allegations in the complaint. Employees or job applicants also may contact a private attorney or union representative should they believe they have been subjected to any form of harassment or retaliation.

Adopted by B&ECPL Board of Trustees at a public meeting June 21, 2007.

Amended September 20, 2012 per Resolution 2012-32.

Reviewed by Policy Committee November 13, 2014 - no changes.

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