

**West Seneca Public Library**  
**Board Meeting Agenda – September 27, 2023 @ 4:00pm in the Large Community Room**

A. Call of the Roll.

B. Approval / Changes to Agenda.

C. Minutes of the Preceding Meeting – July 19, 2023

D. Nominations and Elections of Officers, if any.

E. Report of the Director – July and August 2023

1. Staff updates
2. Revised System Policy: Collection Development
3. Revised System Policy: New Construction/Library Expansion
4. Revised System Policy: Sexual Harassment Prevention
5. Blanket title change within policies from Deputy Director - CFO to Assistant Deputy Director – Controller
6. Reviewed System Policy: Accessibility of Library Services
7. Library Discards Book Sale (August) Recap & Additional October Sale (10/17-21)

F. Report of the Treasurer.

1. County account statements July and August 2023
2. Local account statements July and August 2023
3. Summary of accounts July and August 2023
4. Check abstract and approvals
5. Payroll Report through PP#15

G. Report of the Friends of the Library.

H. Report of the President.

I. Old Business.

J. New Business.

1. Revised: Freedom of Information Law Policy
2. Revised: Investment Policy
3. Rotary Grant Funds: Children’s Nonfiction Orders \$3,000

K. Public Comment.

L. Adjournment.

Next Regular Meeting: Wednesday, October 18, 2023 at 4:00pm

**West Seneca Public Library  
Library Board of Trustees Meeting Minutes  
July 19, 2023 @ 4:01 pm in the Large Community Room**

**A. Call of the Roll– Meeting called to order at 4:06pm**

- Present: William Josefiak, Amanda Cleesattel, Jennifer Dobe, Cynthia Johnson, Jessica Casamassa
- Excused: None
- Guest(s): Robert Alessi (Library Director) & Susan Kims

**B. Approval / Changes to Agenda: none**

**C. Minutes of Preceding Meeting: (June 2023)**

- No changes.

**Motion to approve:** William Josefiak

**Second:** Jennifer Dobe

**Ayes:** all

**Nays:** none

**D. Report of the Director – See June 2023 documents posted for details**

- Upcoming town wide art event- BurchFest: library to participate (making bookmarks with the West Seneca Art Society and guest speaker Joan Albarella presenting Burchfield Neighbors)
- Youth sports lending program (Ralph C Wilson Jr foundation funding). Basketball and lacrosse kits arriving to WS town library soon. Fees children may have on their card can be removed when they check out a sports kit.
- Mission ignite computer skills training: funded by a grant the Central Library received. West Seneca library to participate. Multiple computer classes and participants gain a free computer upon completion.

**E. Report of the Treasurer: See June 2023 documents posted**

- County account statements June 2023
- Local account statement June 2023
- Summary of accounts June 2023
- Check abstract and approvals June 2023

**Motion to approve:** William Josefiak

**Second:** Amanda Cleesattel

**Ayes:** all

**Nays:** none

**F. Report of the Friends of the Library (from Cynthia Johnson):**

- August: national night out Aug. 1, farmers market Aug 10
- Trustees will sign up to assist at booksale based on director's sign up sheet

- Sept 25<sup>th</sup> tentative friends meeting at 6:30pm
- October 2<sup>nd</sup> CPR class scheduled

**G. Report of the President:**

- Next meeting September 20<sup>th</sup> moved to September 27<sup>th</sup>

**H. Old Business:**

- None to review

**I. New Business:**

- Library night at the Bisons July 28<sup>th</sup>
- Full staff (one in training)
- Resolved, that pursuant to Chapter 768 of the Laws of 1953 of the State of New York, this Board of Trustees does hereby approve the agreement submitted by the Buffalo & Erie County Public Library for the furnishing of free library privileges to the people of the County of Erie, by this Library for the year 2023, and be it further resolved, that the President of this Board be, and he is, hereby authorized and directed to execute the same on behalf of this Board.

**Motion to approve annual system contract:**

- Motion: William Josefiak
- Second: Jessica Cassamassa
- Ayes: all
- Nays: None

**J. Public Comment: none**

Adjournment @ 4:28pm

**Motion:** Jessica Cassamassa

**Second:** Amanda Cleesattel

**Ayes:** all

**Nays:** none

**Next Regular Meeting: September 27<sup>th</sup>, 2023 @ 4pm**

Respectfully submitted by Amanda Cleesattel, Secretary

**West Seneca Public Library Board Meeting  
Director's Report**

*July 2023*

**Circulation - July 2023**

23,763

**Revenue - County Account Fees, Copies, Print - July 2023**

\$845.35

**Library Visitors - July 2023**

9,359

**Programming - July 2023**

**(Youth/Teen)**

Make & Take Craft Bags	All month	439 bags
Tutoring	All month	166 sessions
4 <sup>th</sup> of July Storytime	7/3	42 attendees
Battle of the Books (4)	7/5, 7/10, 7/17, 7/26	7 attendees
Unicorn Storytime	7/6	39 attendees
Lego Club (4)	7/8, 7/22	64 attendees
Paws for Love SPCA- Read to a Dog (4 appointments)	7/10	10 attendees
Outdoor Game Day	7/12	50 attendees
Fuse Beads	7/13	12 attendees
Movie Night - Encanto	7/18	29 attendees
Kindness Rock Painting	7/19	23 attendees
Science Below Zero w/ Buffalo Museum of Science	7/20	45 attendees
Bluey Birthday Party	7/21	85 attendees
U 2 can Uke! w/ Jessica	7/24	22 attendees
Paws for Love SPCA- Read to a Dog (4 appointments)	7/25	7 attendees
Wooden Airplanes (Teen STEM)	7/27	3 attendees

**Programming - July 2023**

**(Adult)**

Knitting Club (5)	7/3, 7/10, 7/17, 7/24, 7/31	32 attendees
Book A Technology Trainer (5 appointments)	7/25	7 attendees

Book Club	7/31	11 attendees
-----------	------	--------------

### Collection Development

WSE - 2023 Funds-

AV= \$1,013.88 - \$360.70 (est. discount price) = \$653.18

MAT= \$814.71

### Outreach/Meetings/Library Visits

- 7/12 Manager Meeting @ CEN
- 7/13 Mission Ignite (Computer Training) Meeting via Zoom
- 7/19 West Seneca Public Library Board of Trustees Meeting
- 7/20 Reading Rover w/ West Seneca Schools @ Northwood Elementary (Emily)
- 7/26 Reading Rover w/ West Seneca Schools @ Harlem Rd Park (Emily)

### Misc.

- 7/15 The library was one of a handful of sites that participated in a town scavenger hunt arranged by the Town Recreation Commission/Department.
- The sports equipment lending program started this month.

**West Seneca Public Library Board Meeting  
Director's Report**

*August 2023*

**Circulation - August 2023**

25,746

**Revenue - County Account Fees, Copies, Print - August 2023**

\$1,126.05

**Library Visitors - August 2023**

10,292

**Programming - August 2023**

**(Youth/Teen)**

Make & Take Craft Bags	All month	289 bags
Tutoring	All month	197 sessions
Summer Reading Logs	All month	23 participants
Summer Reading Bingo	All month	35 participants
Music w/ Jessica - Parachutes, Scarves and Hula Hoops	8/2	16 attendees
Seeds & Plants Storytime	8/3	41 attendees
Scrape Painting	8/8	2 attendees
Movie Night - Lightyear	8/8	8 attendees
Slime Making	8/9	24 attendees
Gator Storytime	8/10	48 attendees
Lego Club (4)	8/12, 8/26	51 attendees
Movie Night: Pokemon- Detective Pikachu	8/15	7 attendees
Outdoor Game Day	8/17	25 attendees
Fuse Beads	8/17	27 attendees
Paws for Love SPCA- Read to a Dog (4 appointments)	8/18	7 attendees
Baby Song & Sign	8/21	31 attendees
Bees and Pollinators w/ Mr. Bob	8/21	22 attendees
Movie Night: Super Mario Bros Movie	8/22	12 attendees
Kindness Bookmarks	8/23	28 attendees
Dinosaur Storytime	8/24	46 attendees
"Drive-In" Movie: Toy Story	8/25	18 attendees
Back to School Storytime	8/29	20 attendees

Rockets	8/31	2 attendees
---------	------	-------------

**Programming - August 2023**  
**(Adult)**

Knitting Club (4)	8/7, 8/14, 8/21, 8/28	33 attendees
Book A Technology Trainer (5 appointments)	8/29	6 attendees
Book Club	8/28	10 attendees

**Collection Development**

WSE - 2023 Funds-

AV= \$653.18 - \$186.07 (est. discount price) = \$467.11

MAT= \$814.71 - \$509.54 (est. discount price) = \$305.17

**Outreach/Meetings/Library Visits**

- 8/1 National Night Out / Reading Rover w/ West Seneca Police & Schools (Emily)
- 8/7 Libby App Technology Training
- 8/14 Manager Meeting via Zoom (pre-recorded)
- 8/16 Reading Rover w/ West Seneca Schools @ WS West High School (Emily)

**Misc.**

- Annual compliance training, including the review of the videos *Workplace Violence: The Early Warning Signs* and *Harassment Prevention: A Commonsense Approach*, was completed by: Dennis, Emily, Amy, Craig. All staff have completed this training for 2023.
- Library Discards Book Sale was held Aug. 2-5, 2023. Many thanks to the Friends and volunteers who assisted during setup and while the sale was going on in the Makerspace! Another sale has been schedule to run Oct. 17-21, 2023.

**BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: July 20, 2023**

**AGENDA ITEM NUMBER: E.2.a.**

**RESOLUTION: 2023-19  
Amend Collection Development  
Policy**

**BACKGROUND:**

The Buffalo & Erie County Public Library's Board of Trustees adopted a Collection Development Policy on January 18, 2001. The Policy has been reviewed and amended periodically, most recently on September 19, 2019.

The Library has a process for review of standing policies to ensure they remain timely and effective. This procedure was used to review the Collection Development Policy. Recommended changes include adding language to more clearly define the scope of the collection and provide general criteria for the selection of materials.

The Board's Policy Committee met on July 13, 2023 to review the attached proposed amended Collection Development Policy. Mark-up and clean versions of the amended policy are attached.

The Policy Committee recommends the proposed amended Collection Development Policy for approval by the full Board.

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-19.



## PROPOSED RESOLUTION 2023-19

WHEREAS, the Buffalo & Erie County Public Library has a process for review of standing policies to ensure that they remain timely and effective, and

WHEREAS, changes are recommended to reflect a clearer definition of the scope of the collection and provide general criteria for the selection of materials, and

WHEREAS, the attached draft amended Collection Development Policy has been vetted by B&ECPL legal counsel, and

WHEREAS, the Policy Committee has reviewed and recommends the attached proposed amended Collection Development Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Collection Development Policy to supersede and replace the prevailing policy last amended September 19, 2019, and be it further

RESOLVED, that the Board of Trustees of the B&ECPL authorizes policy distribution to all B&ECPL libraries, Contract Library Directors, and Contract Library Trustees and authorizes public posting on the Library's website.



## COLLECTION DEVELOPMENT POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. STATEMENT OF POLICY

The Buffalo & Erie County Public Library (B&ECPL) collection (collection) consists of ~~print, audio-visual, physical~~ and electronic materials, including downloadables and streaming content, at its 37 locations and ~~the Library on Wheels Mobile Services. The collection includes, but is not limited to, books, magazines, periodicals, large print titles, audiobooks, eBooks, eAudiobooks, music CDs, DVDs, Blu-ray Discs, and streaming media.~~

The responsibility for the collection rests with the B&ECPL Board of Trustees. The responsibility for selection of materials and collection maintenance rests with the System Director, who delegates this task to qualified professional staff throughout the System.

This Policy is intended to set forth the principles for selection, evaluation, and maintenance of the collection, and supporting tenets of the B&ECPL. It shall also provide guidance for the selection of materials to the general collection to meet the needs of the geographically and demographically diverse communities served by the B&ECPL within budgetary and space limitations.

### II. COLLECTION DEVELOPMENT

#### A. Selection and Acquisition

1. The goal of collection development is to ~~develop~~ create and maintain a collection of relevant, popular, and useful library materials for the residents of Erie County.
2. The selection of library materials is based on a comprehensive knowledge of the nature and special characteristics of the various communities of Erie County.

3. The collection will include subjects of lasting value as well as subjects of current ~~local, national, and international~~ interest.
4. Materials may be acquired on the basis of their artistic, historical, literary, or scientific merit, and/or to satisfy the cultural, educational, informational, or recreational interests of the community.
5. Materials are acquired for individuals of all abilities, ages, backgrounds, and educational levels.
6. Materials are acquired in accordance with the principles of the freedom to read, view, or hear; ~~no library materials are excluded based on expressions of race, religion, nationality, politics, or social views.~~
7. The B&ECPL acquires a wide range of materials in a variety of formats and languages.
8. Each type of material is considered in terms of its own merit and its intended audience. General criteria for selection may include, but are not limited to the following:
  - a. Accuracy of content;
  - b. Authoritative reviews;
  - c. Availability;
  - d. Community demand/interest;
  - e. Contribution to subject balance of the entire collection;
  - f. Cost;
  - g. Current and/or anticipated demand;
  - h. Diversity and balance of viewpoint;
  - i. Patterns of use for existing materials;
  - j. Physical quality, durability, and suitability;
  - k. Qualifications and/or reputation of the author, publisher, or producer; and/or
  - l. Relevance and timeliness.
- ~~9. Gift materials are judged using the same standards that apply to purchased materials. (See Gift and Donor Recognition Policy.)~~

B. Maintenance/Deaccession

The collection is maintained by retaining or replacing essential materials and removing, on a systematic-routine basis, those works that are worn, outdated, or no longer in demand.

C. Requests for Addition or ~~Removal~~Reconsideration

1. Patrons may request to add specific items to the collection using the Purchase Suggestions form.
2. Patron requests to reconsider specific items already in the B&ECPL's collection may be made using the Request for Reconsideration of Library Materials form.
3. No material shall be removed from the collection, except for routine collection maintenance or for conditions as determined by the staff and/or System Board of Trustees, pursuant to Request for Reconsideration of Library Materials Procedures.

D. Supporting Tenets

1. The B&ECPL does not stand *in loco parentis*. Parents and/or legal guardians, not library staff, are responsible for monitoring their children's use of reading, viewing, and listening material.
2. The B&ECPL does not endorse particular beliefs or views, nor does the selection of an item express or imply endorsement of the viewpoint of the author or content of the item.
3. The B&ECPL Board of Trustees has adopted and declared that it shall adhere to and support the B&ECPL Mission Statement and the American Library Association's Library Bill of Rights, Freedom to Read, and Freedom to View statements.

~~3-4.~~ The B&ECPL supports the individual's freedom to read and the individual's freedom to choose.

III. SPECIAL COLLECTIONS

~~A. Special collections of the B&ECPL including but not limited to manuscripts, scrapbooks, scored music, maps, genealogy resources, rare books, the~~

~~William A. Miles Center for African and African American Studies collection, and certain reference and rare materials represent unique resources for research. Therefore special conditions may apply to the management of these collections as determined by the Library Director.~~

~~B.A.~~ Policies related to management and ownership of special collections at the Central Library and/or Buffalo Branches shall be contained in a separate policy which does not apply system-wide (See [Special Collections Development Policy](#).)

~~C.B.~~ Contract Libraries within the B&ECPL System that maintain ownership of special collections shall establish policies as their Boards of Trustees deem appropriate.

Adopted January 18, 2001.

Amended June 17, 2010 Resolution 2010-23.

Amended September 19, 2013 Resolution 2013-31.

Amended July 21, 2016 Resolution 2016-28.

Amended September 19, 2019 Resolution 2019-32.



## COLLECTION DEVELOPMENT POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. STATEMENT OF POLICY

The Buffalo & Erie County Public Library (B&ECPL) collection (collection) consists of physical and electronic materials, including downloadables and streaming content, at its 37 locations and Mobile Services

The responsibility for the collection rests with the B&ECPL Board of Trustees. The responsibility for selection of materials and collection maintenance rests with the System Director, who delegates this task to qualified professional staff throughout the System.

This Policy is intended to set forth the principles for selection, evaluation, and maintenance of the collection, and supporting tenets of the B&ECPL. It shall also provide guidance for the selection of materials to the general collection to meet the needs of the geographically and demographically diverse communities served by the B&ECPL within budgetary and space limitations.

### II. COLLECTION DEVELOPMENT

#### A. Selection and Acquisition

1. The goal of collection development is to create and maintain a collection of relevant, popular, and useful library materials for the residents of Erie County.
2. The selection of library materials is based on a comprehensive knowledge of the nature and special characteristics of the various communities of Erie County.
3. The collection will include subjects of lasting value as well as subjects of current interest.
4. Materials may be acquired on the basis of their artistic, historical, literary, or scientific merit, and/or to satisfy the cultural, educational, informational, or recreational interests of the community.

5. Materials are acquired for individuals of all abilities, ages, backgrounds, and educational levels.
6. Materials are acquired in accordance with the principles of the freedom to read, view, or hear.
7. The B&ECPL acquires a wide range of materials in a variety of formats and languages.
8. Each type of material is considered in terms of its own merit and its intended audience. General criteria for selection may include, but are not limited to the following:
  - a. Accuracy of content;
  - b. Authoritative reviews;
  - c. Availability;
  - d. Community demand/interest;
  - e. Contribution to subject balance of the entire collection;
  - f. Cost;
  - g. Current and/or anticipated demand;
  - h. Diversity and balance of viewpoint;
  - i. Patterns of use for existing materials;
  - j. Physical quality, durability, and suitability;
  - k. Qualifications and/or reputation of the author, publisher, or producer; and/or
  - l. Relevance and timeliness.

B. Maintenance/Deaccession

The collection is maintained by retaining or replacing essential materials and removing, on a routine basis, those works that are worn, outdated, or no longer in demand.

C. Requests for Addition or Reconsideration

1. Patrons may request to add specific items to the collection using the [Purchase Suggestions](#) form.
2. Patron requests to reconsider specific items already in the B&ECPL's collection may be made using the [Request for Reconsideration of Library Materials](#) form.
3. No material shall be removed from the collection, except for routine

collection maintenance or for conditions as determined by the staff and/or System Board of Trustees, pursuant to [Request for Reconsideration of Library Materials Procedures](#).

#### D. Supporting Tenets

1. The B&ECPL does not stand *in loco parentis*. Parents and/or legal guardians, not library staff, are responsible for monitoring their children's use of reading, viewing, and listening material.
2. The B&ECPL does not endorse particular beliefs or views, nor does the selection of an item express or imply endorsement of the viewpoint of the author or content of the item.
3. The B&ECPL Board of Trustees has adopted and declared that it shall adhere to and support the B&ECPL Mission Statement and the American Library Association's [Library Bill of Rights](#), [Freedom to Read](#), and [Freedom to View](#) statements.
4. The B&ECPL supports the individual's freedom to read and the individual's freedom to choose.

### III. SPECIAL COLLECTIONS

- A. Policies related to management and ownership of special collections at the Central Library and/or Buffalo Branches shall be contained in a separate policy which does not apply system-wide (See [Special Collections Development Policy](#).)
- B. Contract Libraries within the B&ECPL System that maintain ownership of special collections shall establish policies as their Boards of Trustees deem appropriate.

Adopted January 18, 2001.

Amended June 17, 2010 Resolution 2010-23.

Amended September 19, 2013 Resolution 2013-31.

Amended July 21, 2016 Resolution 2016-28.

Amended September 19, 2019 Resolution 2019-32.

Amended July 20, 2023 Resolution 2023-19.



BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: July 20, 2023

AGENDA ITEM NUMBER: E.2.b.

RESOLUTION: 2023-20  
Amend New Construction/  
Library Expansion Policy

**BACKGROUND:**

The Buffalo & Erie County Public Library's Board of Trustees adopted a New Construction/Library Expansion Policy on December 15, 2016. The Policy was last amended on December 20, 2018.

The Library has a process for review of standing policies to ensure that they remain timely and effective. This procedure was used to review the New Construction/Library Expansion Policy.

Recommended changes include language to reinforce that new facilities and/or expansions address unmet service needs with a regional focus. Specific changes include:

- New facilities must be strategically located, in areas frequently trafficked/recognized by local/regional residents and designed to serve regions.
- Proposed new facilities and/or expansions must clearly identify the unmet service needs to be addressed and how the new facility and/or expansion will allow the library to meet those needs and provide higher levels of service.
- For new library construction, a written statement demonstrating the strategic placement of the facility including how/why the new location will better serve the community.

The Board's Policy Committee met on July 13, 2023 to review the attached proposed amended New Construction/Library Expansion Policy. Mark-up and clean versions of the amended policy are attached.

The Policy Committee recommends the proposed amended New Construction/Library Expansion Policy for approval by the full Board.

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-20.

PROPOSED RESOLUTION 2023-20

WHEREAS, the Buffalo & Erie County Public Library has a process for review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee used this process to review and make recommendations which are reflected in the attached draft amended New Construction/Library Expansion Policy which has been vetted by B&ECPL legal counsel, and

WHEREAS, recommended changes include language to reinforce that new facilities and or expansions address unmet service needs with a regional focus, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's New Construction/Library Expansion Policy to supersede and replace the prevailing policy last amended December 20, 2018, and be it further

RESOLVED, that a copy of the approved New Construction/Library Expansion Policy be distributed to all B&ECPL libraries, Contracting Libraries, and Contracting Library Trustees as well as be posted on the B&ECPL's website.



## NEW CONSTRUCTION/LIBRARY EXPANSION POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

~~*This document supersedes the Guidelines and Procedures for Approval of New Library Construction, 2002.*~~

### I. Introduction

This policy provides direction for the approval and planning of new construction and/or expansion projects for all libraries within the Buffalo & Erie County Public Library (B&ECPL) System, including the Central Library, Buffalo Branches and Contract Libraries.

### II. Criteria for Approval

B&ECPL libraries (Central Library, Buffalo Branches and Contract Libraries) and/or municipal government(s) must obtain approval from the B&ECPL System Board of Trustees for all new construction and/or expansion projects.

Approval for new construction and/or expansion must be obtained prior to introducing local referenda, presenting bond issues to the electorate or submitting applications for publicly funded grants.

Final approval for any project rests with the B&ECPL System Board of Trustees.

All projects must meet the following conditions and criteria:

- A. The library must be a member of the B&ECPL System by virtue of a signed annual contract or a local library subject to the governmental authority of the B&ECPL System Board of Trustees;
- B. The library must meet the minimum standards for hours of service established by the New York State Commissioner of Education (Commissioner's Regulation §90.2) and additional standards as may be established by the B&ECPL;

- C. The library must meet the staffing requirements established by the New York State Commissioner of Education (Commissioner's Regulation §90.8), the New York State Civil Service Commission (where applicable) and the County of Erie;
- D. The library must meet other minimum standards of service as established by the New York State Commissioner of Education;
- E. Operational cost neutrality. Any new construction and/or expansion project must be expenditure neutral (when adjusted for inflation) in the context of the B&ECPL's overall operating budget. If operating cost neutrality is not obtainable, a New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request Form is required. SEE Section III (F);
- F. New facilities must be strategically located, in areas frequently trafficked/recognized by local/regional residents, and designed to serve regions;
- G. ~~New facilities and/or~~ Proposed new facilities and/or expansions must clearly identify the unmet service needs to be addressed and how the new facility and/or expansion will allow the library to meet those needs and provide expanded facilities must be designed to serve regions resulting in higher levels of service ~~(resources, technology);~~
- H. New facilities and/or expanded facilities must include cost saving initiatives such as energy efficiencies, utility savings and green processes, if available;
- I. The B&ECPL System Board of Trustees will not consider any project unless it is submitted at least 60 days prior to the deadline for applicants to file with the Library System a request for State Aid for Library Construction funds;
- J. The B&ECPL System Board of Trustees will not consider and/or approve any proposed project that might enhance the quality of library service in one area at the expense of service in another.

### III. **REQUIRED: Application for Approval of New Construction/Expansion Projects**

Using the [Request for New Construction/Library Expansion Approval Form](#), the Contract Library Board of Trustees and/or municipal government must provide the following information to the B&ECPL System Board of Trustees:

- A. Complete description of the expansion/new construction project incorporating required criteria/conditions as indicated in Section II of this policy;
- B. Estimated cost of project;
- C. Resolutions of support from municipality, or for association libraries, letters of support from association members;

- D. List of project funders, including committed funding amounts;
- E. Fundraising plan (where applicable);
- F. Written statement estimating operational costs. Include recognition that cost neutrality is optimal. NOTE: If cost neutrality is not obtainable, provide a completed [New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request Form](#). The Waiver/Partial Waiver Request of Operating Cost Neutrality Form should be submitted with the completed New Construction/Library Expansion Approval Form. The Waiver/Partial Waiver Request of Operating Cost Neutrality shall not apply to any other provision of this Policy nor any other provision of the Request for New Construction/Library Expansion Approval Form, the terms of which shall remain in full force and effect;
- G. For new library construction, a written statement demonstrating the strategic placement of the facility including how/why the new location will better ~~service~~ serve the community;
- H. Written statement of commitment to meet/exceed all New York State Education laws and regulations;
- I. Written statement of commitment to meet all New York State Civil Service laws and regulations (where applicable);
- J. Written statement of understanding that construction of a new library facility and/or expansion of a library facility, and equipping the same, is the responsibility of local or regional authorities or association members (for association libraries);
- K. Conceptual drawings and/or architectural renderings providing visual support specific to the project.

#### IV. Review

Within 45 days of receipt of a completed Request for New Construction/Library Expansion Approval Form, the B&ECPL Board of Trustees Building Oversight Committee (Building Oversight Committee) will meet and determine:

- A. If all required criteria have been met;
- B. If a presentation of the project to the System Board of Trustees is needed. In that case:
  1. Contract Library Board and Contract Library Director, or in the case for the Central Library or Buffalo Branches, members of B&ECPL's Administration, will be asked to present the project to the B&ECPL System Board of Trustees;
  2. All presentations will be made during a regularly scheduled meeting of the System Board of Trustees;
  3. All presentations will include conceptual drawings or architectural renderings providing visual support specific to the project;

4. The Building Oversight Committee or designee will notify the Contract Library Board of Trustees/Director or B&ECPL Administration of presentation date.
- C. If/when the project will be recommended to the B&ECPL System Board of Trustees for approval.

## **V. Approval**

Following review by the Building Oversight Committee and within 90 days of receipt of the Request for New Construction/Library Expansion Approval Form, the B&ECPL System Board of Trustees will respond to the Contract Library Board of Trustees and/or municipal government, in writing, on the status of the new construction/library expansion approval request.

- A. All approvals will be made via resolution by the B&ECPL System Board of Trustees;
- B. Projects that are not approved will receive no financial, technical or professional support from the B&ECPL as stated in the current annual contract between the B&ECPL and the Contract Library.

## **VI. Appeal**

Any/all appeals must be submitted to the B&ECPL Board of Trustees, in writing, within 90 days of declination of support determination.

The B&ECPL Building Oversight Committee will review any/all appeals and make a recommendation to the B&ECPL System Board of Trustees within 90 days of receipt of said appeal. The B&ECPL System Board of Trustees will respond to the Contract Library Board of Trustees and/or municipal government, in writing, on the determination of the appeal within 60 days of receipt of the Committee's recommendation.

## **VII. Priority Ranking of Projects**

The Building Oversight Committee will give preference to projects that:

- A. Serve a region rather than a single municipality, resulting in improved levels of service. Such improvements may include: increased hours of service, enhanced technology, meeting room and storage space, parking, etc.;
- B. Show evidence of sufficient capitalization to furnish the new facility;
- C. Demonstrate operational cost neutrality including a comprehensive funding analysis that determines long-term operational needs OR have received approval of a New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request.



## NEW CONSTRUCTION/LIBRARY EXPANSION POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. Introduction

This policy provides direction for the approval and planning of new construction and/or expansion projects for all libraries within the Buffalo & Erie County Public Library (B&ECPL) System, including the Central Library, Buffalo Branches and Contract Libraries.

### II. Criteria for Approval

B&ECPL libraries (Central Library, Buffalo Branches and Contract Libraries) and/or municipal government(s) must obtain approval from the B&ECPL System Board of Trustees for all new construction and/or expansion projects.

Approval for new construction and/or expansion must be obtained prior to introducing local referenda, presenting bond issues to the electorate or submitting applications for publicly funded grants.

Final approval for any project rests with the B&ECPL System Board of Trustees.

All projects must meet the following conditions and criteria:

- A. The library must be a member of the B&ECPL System by virtue of a signed annual contract or a local library subject to the governmental authority of the B&ECPL System Board of Trustees;
- B. The library must meet the minimum standards for hours of service established by the New York State Commissioner of Education (Commissioner's Regulation §90.2) and additional standards as may be established by the B&ECPL;
- C. The library must meet the staffing requirements established by the New York State Commissioner of Education (Commissioner's Regulation §90.8), the New York State Civil Service Commission (where applicable) and the County of Erie;
- D. The library must meet other minimum standards of service as established by the New York State Commissioner of Education;

- E. Operational cost neutrality. Any new construction and/or expansion project must be expenditure neutral (when adjusted for inflation) in the context of the B&ECPL's overall operating budget. If operating cost neutrality is not obtainable, a New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request Form is required. SEE Section III (F);
- F. New facilities must be strategically located, in areas frequently trafficked/recognized by local/regional residents, and designed to serve regions;
- G. Proposed new facilities and/or expansions must clearly identify the unmet service needs to be addressed and how the new facility and/or expansion will allow the library to meet those needs and provide j higher levels of service;
- H. New facilities and/or expanded facilities must include cost saving initiatives such as energy efficiencies, utility savings and green processes, if available;
- I. The B&ECPL System Board of Trustees will not consider any project unless it is submitted at least 60 days prior to the deadline for applicants to file with the Library System a request for State Aid for Library Construction funds;
- J. The B&ECPL System Board of Trustees will not consider and/or approve any proposed project that might enhance the quality of library service in one area at the expense of service in another.

### III. **REQUIRED: Application for Approval of New Construction/Expansion Projects**

Using the [Request for New Construction/Library Expansion Approval Form](#), the Contract Library Board of Trustees and/or municipal government must provide the following information to the B&ECPL System Board of Trustees:

- A. Complete description of the expansion/new construction project incorporating required criteria/conditions as indicated in Section II of this policy;
- B. Estimated cost of project;
- C. Resolutions of support from municipality, or for association libraries, letters of support from association members;
- D. List of project funders, including committed funding amounts;
- E. Fundraising plan (where applicable);
- F. Written statement estimating operational costs. Include recognition that cost neutrality is optimal. NOTE: If cost neutrality is not obtainable, provide a completed [New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request Form](#). The Waiver/Partial Waiver Request of Operating Cost Neutrality Form should be submitted



with the completed New Construction/Library Expansion Approval Form. The Waiver/Partial Waiver Request of Operating Cost Neutrality shall not apply to any other provision of this Policy nor any other provision of the Request for New Construction/Library Expansion Approval Form, the terms of which shall remain in full force and effect;

- G. For new library construction, a written statement demonstrating the strategic placement of the facility including how/why the new location will better serve the community;
- H. Written statement of commitment to meet/exceed all New York State Education laws and regulations;
- I. Written statement of commitment to meet all New York State Civil Service laws and regulations (where applicable);
- J. Written statement of understanding that construction of a new library facility and/or expansion of a library facility, and equipping the same, is the responsibility of local or regional authorities or association members (for association libraries);
- K. Conceptual drawings and/or architectural renderings providing visual support specific to the project.

#### **IV. Review**

Within 45 days of receipt of a completed Request for New Construction/Library Expansion Approval Form, the B&ECPL Board of Trustees Building Oversight Committee (Building Oversight Committee) will meet and determine:

- A. If all required criteria have been met;
- B. If a presentation of the project to the System Board of Trustees is needed. In that case:
  - 1. Contract Library Board and Contract Library Director, or in the case for the Central Library or Buffalo Branches, members of B&ECPL's Administration, will be asked to present the project to the B&ECPL System Board of Trustees;
  - 2. All presentations will be made during a regularly scheduled meeting of the System Board of Trustees;
  - 3. All presentations will include conceptual drawings or architectural renderings providing visual support specific to the project;
  - 4. The Building Oversight Committee or designee will notify the Contract Library Board of Trustees/Director or B&ECPL Administration of presentation date.
- C. If/when the project will be recommended to the B&ECPL System Board of Trustees for approval.

## **V. Approval**

Following review by the Building Oversight Committee and within 90 days of receipt of the Request for New Construction/Library Expansion Approval Form, the B&ECPL System Board of Trustees will respond to the Contract Library Board of Trustees and/or municipal government, in writing, on the status of the new construction/library expansion approval request.

- A. All approvals will be made via resolution by the B&ECPL System Board of Trustees;
- B. Projects that are not approved will receive no financial, technical or professional support from the B&ECPL as stated in the current annual contract between the B&ECPL and the Contract Library.

## **VI. Appeal**

Any/all appeals must be submitted to the B&ECPL Board of Trustees, in writing, within 90 days of declination of support determination.

The B&ECPL Building Oversight Committee will review any/all appeals and make a recommendation to the B&ECPL System Board of Trustees within 90 days of receipt of said appeal. The B&ECPL System Board of Trustees will respond to the Contract Library Board of Trustees and/or municipal government, in writing, on the determination of the appeal within 60 days of receipt of the Committee's recommendation.

## **VII. Priority Ranking of Projects**

The Building Oversight Committee will give preference to projects that:

- A. Serve a region rather than a single municipality, resulting in improved levels of service. Such improvements may include: increased hours of service, enhanced technology, meeting room and storage space, parking, etc.;
- B. Show evidence of sufficient capitalization to furnish the new facility;
- C. Demonstrate operational cost neutrality including a comprehensive funding analysis that determines long-term operational needs OR have received approval of a New Construction/Library Expansion Waiver/Partial Waiver of Operating Cost Neutrality Request.

Adopted December 15, 2016. Supersedes the *Guidelines and Procedures for Approval of New Library Construction, April 18, 2002.*

Amended December 20, 2018.

Amended July 20, 2023 Resolution 2023-20.

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: July 20, 2023

AGENDA ITEM NUMBER: E.2.c

RESOLUTION: 2023-21  
Amend Sexual Harassment  
Prevention Policy

**BACKGROUND:**

The Buffalo & Erie County Public Library Board of Trustees adopted a Sexual Harassment Prevention Policy on December 20, 2018. The Policy was last amended on January 19, 2023.

The Library has a process for review of standing policies to ensure they remain timely and effective. This procedure was used to review the Sexual Harassment Prevention Policy. Recommended changes include adding clarifying language and examples.

The Board's Policy Committee met on July 13, 2023 to review the attached proposed amended Sexual Harassment Prevention Policy. Mark-up and clean versions of the amended policy are attached.

The Policy Committee recommends the proposed amended Sexual Harassment Prevention Policy for approval by the full Board.

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-21.

PROPOSED RESOLUTION 2023-21

WHEREAS, the Buffalo & Erie County Public Library Board of Trustees adopted a Sexual Harassment Prevention Policy on December 18, 2018, and the policy has been reviewed and/or amended periodically, most recently on January 19, 2023, and

WHEREAS, B&ECPL's System Administration has recommended updates to the policy for clarification, and

WHEREAS, the Policy Committee recommends the attached proposed amended Sexual Harassment Prevention Policy for approval by the full Board, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's Sexual Harassment Prevention Policy to supersede and replace the existing policy last amended January 19, 2023, and be it further

RESOLVED, that copies of the approved amended Sexual Harassment Prevention Policy replace the existing policy in the B&ECPL Personnel Policies and Procedures Manual as Chapter 8, Section 2, and be it further

RESOLVED, that the amended Sexual Harassment Prevention Policy replace the existing policy in each Contract Library's annual agreement, Exhibit I, and be it finally

RESOLVED, that the Board of Trustees of the B&ECPL authorizes this policy be transmitted to all B&ECPL libraries, Contract Library Directors, and Contract Library Trustees and authorizes public posting on the Library's website.



## **Sexual Harassment Prevention Policy**

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

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

### **I. Statement of Policy**

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free from sexual harassment. Sexual harassment is a form of workplace discrimination and it is against the law. This policy is one component of B&ECPL's commitment to a discrimination-free environment. Everyone has a legal right to a workplace free from sexual harassment. All employees working in B&ECPL locations are required to work in a manner that prevents sexual harassment and are urged to report sexual harassment by filing a complaint internally with the B&ECPL. Complaints may also be filed with a government agency or in court under federal, state or local antidiscrimination laws.

#### **A. Applicability**

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with B&ECPL, without regard to immigration status.
2. All employees, paid or unpaid interns, and non-employees are expected to follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.
3. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
4. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. Patrons and other non-employees who engage in sexual harassment will be addressed in accordance with each library's Rules of Conduct and applicable laws.
6. Sexual harassment may subject B&ECPL to liability for harm to targets of sexual harassment; and harassers may also be individually subject to liability.
- 6.7. Harmless intent is not a defense for harassment or discrimination.

B. What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

1. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
  - a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
  - b. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  - c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
2. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, or cause the recipient discomfort or humiliation, or interfere with the recipient's job performance.
3. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone covered by this policy who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy, regardless of whether such

harassment would be considered severe or pervasive under precedent applied to harassment claims.

C. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical acts of a sexual nature, such as:
  - a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - b. Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions, such as:
  - a. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - b. Subtle or obvious pressure for unwelcome sexual activities.
3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
4. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
6. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - b. Sabotaging an individual's work;
  - c. Bullying, yelling, name-calling;
  - d. Stereotyping or treating individuals differently because they identify as cisgender, transgender, or non-binary.

D. Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

E. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## II. **Prohibition Against Retaliation**

No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. B&ECPL will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of B&ECPL who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager or the Human Resources Office. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained under Section 5 Legal Protections.

A. What is retaliation?

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Retaliation may also include, but is not limited to, disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.



Such retaliation is unlawful under federal, state, and (where applicable) local law. The NYS HRL protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

1. Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
4. Reported that another employee has been sexually harassed; or
5. Encouraged a fellow employee to report harassment.

#### **B. Good Faith Claims**

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful; however, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### **III. Reporting Sexual Harassment**

#### **A. Who Should Report**

Preventing sexual harassment is everyone’s responsibility. B&ECPL cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Human Resources Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is on another person’s behalf.

#### **B. Supervisory Responsibilities**

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior

or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Human Resources Office. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

#### **IV. Complaint and Investigation of Sexual Harassment**

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

##### **A. Complaint**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form.

##### **B. Witnesses**

All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment. B&ECPL will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.

##### **C. Investigation Process**

While the process may vary from case to case, the following steps of the investigation process will ensure a thorough and complete investigation:

1. Upon receipt of complaint, the Human Resources Office will conduct an immediate review of the allegations, and take any interim actions, as appropriate.
2. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, the Human Resources Office will prepare a Complaint Form based on the verbal complaint.
3. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.

4. Request and review all relevant documents, including all electronic communications.
5. Interview all parties involved, including any relevant witnesses.
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
  - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
7. Keep the written documentation and associated documents in a secure and confidential location.
8. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
9. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## V. Legal Protections and External Remedies

Sexual harassment is not only prohibited by B&ECPL but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at B&ECPL, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290, et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns, and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Effective August 12, 2020, complaints may be filed with the DHR any time **within 3 years** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged

sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to B&ECPL does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, Main Place Tower, 350 Main Street 10<sup>th</sup> Fl. Suite 1000B, Buffalo, New York 14202. You may call (716) 847-7632 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov) or you can call DHR's toll-free sexual harassment hotline at 1-800-HARASS-3 Monday through Friday, 9:00 AM to 5:00 PM.

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Adopted December 20, 2018 per Resolution 2018-41.

Amended November 21, 2019 per Resolution 2019-44.

Amended August 12, 2020 per Resolution 2019-44.

Amended December 16, 2021 per Resolution 2021-44.

Amended January 19, 2023 per Resolution 2023-2.



## COMPLAINT OF HARASSMENT, DISCRIMINATION, OR RETALIATION

---

The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

### General Information:

<b>Date:</b>		
<b>Name:</b>		
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Home Phone No.:</b>	<b>Work Phone No.:</b>	
<b>Department:</b>		
<b>Supervisor's Name:</b>		
<b>Supervisor's Phone No.:</b>		

**Specific Information about Your Complaint:**

**1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))**

**2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)**

**3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.**

**4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?**

**5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the “who, what, where, when, why, and how” of the incident(s).)**

**6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).**



**7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.**

**8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?**



## **Sexual Harassment Prevention Policy**

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

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

### **I. Statement of Policy**

The Buffalo & Erie County Public Library (B&ECPL) is committed to maintaining an environment free from sexual harassment. Sexual harassment is a form of workplace discrimination and it is against the law. This policy is one component of B&ECPL's commitment to a discrimination-free environment. Everyone has a legal right to a workplace free from sexual harassment. All employees working in B&ECPL locations are required to work in a manner that prevents sexual harassment and are urged to report sexual harassment by filing a complaint internally with the B&ECPL. Complaints may also be filed with a government agency or in court under federal, state or local antidiscrimination laws.

#### **A. Applicability**

1. This policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business with B&ECPL, without regard to immigration status.
2. All employees, paid or unpaid interns, and non-employees are expected to follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring.
3. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination).
4. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.
5. Patrons and other non-employees who engage in sexual harassment will be addressed in accordance with each library's Rules of Conduct and applicable laws.

6. Sexual harassment may subject B&ECPL to liability for harm to targets of sexual harassment; and harassers may also be individually subject to liability.
7. Harmless intent is not a defense for harassment or discrimination.

B. What Is "Sexual Harassment"?

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

1. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:
  - a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
  - b. Such conduct is made either explicitly or implicitly a term or condition of employment; or
  - c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.
2. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, or cause the recipient discomfort or humiliation, or interfere with the recipient's job performance.
3. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Anyone covered by this policy who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy, regardless of whether such harassment would be considered severe or pervasive under precedent applied to harassment claims.

### C. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

1. Physical acts of a sexual nature, such as:
  - a. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;
  - b. Rape, sexual battery, molestation or attempts to commit these assaults.
2. Unwanted sexual advances or propositions, such as:
  - a. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;
  - b. Subtle or obvious pressure for unwelcome sexual activities.
3. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
4. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
5. Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - a. Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
6. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:
  - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - b. Sabotaging an individual's work;
  - c. Bullying, yelling, name-calling;
  - d. Stereotyping or treating individuals differently because they identify as cisgender, transgender, or non-binary.

### D. Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-

employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

E. Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## II. **Prohibition Against Retaliation**

No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. B&ECPL will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of B&ECPL who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager or the Human Resources Office. All employees, paid or unpaid interns, or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained under Section 5 Legal Protections.

A. What is retaliation?

Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours). Retaliation may also include, but is not limited to, disclosing an employee's personnel files because they have opposed any practices forbidden under the New York State Human Rights Law ("NYS HRL"), filed a complaint, testified or assisted in any proceeding under NYS HRL, except where the disclosure is made in the course of commencing or responding to a complaint in any proceeding under the NYS HRL or any other civil or criminal action or other judicial or administrative proceeding as permitted by applicable law.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The NYS HRL protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

1. Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
2. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
3. Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
4. Reported that another employee has been sexually harassed; or
5. Encouraged a fellow employee to report harassment.

#### B. Good Faith Claims

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful; however, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

### III. **Reporting Sexual Harassment**

#### A. Who Should Report

Preventing sexual harassment is everyone's responsibility. B&ECPL cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern, or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or the Human Resources Office. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or the Human Resources Office.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is on another person's behalf.

#### B. Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the Human Resources Office. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for

failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

#### **IV. Complaint and Investigation of Sexual Harassment**

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

##### **A. Complaint**

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form.

##### **B. Witnesses**

All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment. B&ECPL will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this Policy.

##### **C. Investigation Process**

While the process may vary from case to case, the following steps of the investigation process will ensure a thorough and complete investigation:

1. Upon receipt of complaint, the Human Resources Office will conduct an immediate review of the allegations, and take any interim actions, as appropriate.
2. If complaint is verbal, encourage the individual to complete the "Complaint Form" in writing. If they refuse, the Human Resources Office will prepare a Complaint Form based on the verbal complaint.
3. If documents, emails or phone records are relevant to the investigation, take steps to obtain and preserve them.
4. Request and review all relevant documents, including all electronic communications.
5. Interview all parties involved, including any relevant witnesses.
6. Create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- a. A list of all documents reviewed, along with a detailed summary of relevant documents;
  - b. A list of names of those interviewed, along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
7. Keep the written documentation and associated documents in a secure and confidential location.
  8. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
  9. Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

## V. Legal Protections and External Remedies

Sexual harassment is not only prohibited by B&ECPL but is also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at B&ECPL, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

### A. State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, Art. 15, § 290, et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns, and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Effective August 12, 2020, complaints may be filed with the DHR any time **within 3 years** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to B&ECPL does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.



You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, Main Place Tower, 350 Main Street 10<sup>th</sup> Fl. Suite 1000B, Buffalo, New York 14202. You may call (716) 847-7632 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov) or you can call DHR's toll-free sexual harassment hotline at 1-800-HARASS-3 Monday through Friday, 9:00 AM to 5:00 PM.

Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

#### B. Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov).

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Adopted December 20, 2018 per Resolution 2018-41.  
Amended November 21, 2019 per Resolution 2019-44.  
Amended August 12, 2020 per Resolution 2019-44.  
Amended December 16, 2021 per Resolution 2021-44.  
Amended January 19, 2023 per Resolution 2023-2.  
Amended July 20, 2023 per Resolution 2023-21.



**COMPLAINT OF  
HARASSMENT, DISCRIMINATION, OR RETALIATION**

---

The Buffalo & Erie County Public Library prohibits harassment or discrimination because of gender, race, color, national origin, ancestry, religion, creed, age, disability, familial status, marital status, pregnancy, sexual orientation, gender identity or expression, military status, genetic predisposition, arrest or conviction status, domestic violence victim status, known relationship or association with member of a protected class, or any other basis protected by federal, state or local law. The B&ECPL acknowledges its legal and ethical obligation to protect the right of all persons to an environment free from discrimination, harassment, and retaliation. If you believe you have been harassed, discriminated against, or retaliated against in violation of B&ECPL policy, please complete this complaint form.

**General Information:**

<b>Date:</b>		
<b>Name:</b>		
<b>Address:</b>		
<b>City:</b>	<b>State:</b>	<b>Zip:</b>
<b>Home Phone No.:</b>	<b>Work Phone No.:</b>	
<b>Department:</b>		
<b>Supervisor's Name:</b>		
<b>Supervisor's Phone No.:</b>		

**Specific Information about Your Complaint:**

**1. WHO IS HARASSING YOU, DISCRIMINATING AGAINST YOU, AND/OR RETALIATING AGAINST YOU? (Include name(s) and job title(s))**

**2. WHAT HAPPENED TO YOU TO PROMPT THIS COMPLAINT? (Be as specific as possible in describing the harassment/discrimination/retaliation. Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)**

**3. DID ANYONE WITNESS THE INCIDENT(S) DESCRIBED ABOVE? IF SO, STATE THE NAME OF THE INDIVIDUAL WHO WITNESSED EACH INCIDENT.**

**4. WITH WHOM (if anyone) HAVE YOU DISCUSSED THE INCIDENT(S)?**

**5. HAVE YOU PREVIOUSLY BEEN SUBJECTED TO HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE INDIVIDUALS IDENTIFIED IN YOUR RESPONSE TO QUESTION 1? IF SO, PLEASE DESCRIBE EACH PRIOR INCIDENT IN DETAIL. (Include names, dates, and locations. Try to describe the "who, what, where, when, why, and how" of the incident(s).)**

**6. DO YOU HAVE WRITTEN DOCUMENTATION (e.g. cards, letters, text messages, or journals) RELEVANT TO YOUR COMPLAINT? IF SO, DESCRIBE THE DOCUMENT(S).**

**7. ARE YOU AWARE OF OTHER PERSONS WHO HAVE EXPERIENCED HARASSMENT, DISCRIMINATION, OR RETALIATION BY THE PERSON HARASSING, DISCRIMINATING, OR RETALIATING AGAINST YOU? IF SO, STATE THE NAME AND THE DETAILS OF THEIR EXPERIENCES, IF KNOWN TO YOU.**

**8. HOW DO YOU SUGGEST OR PREFER THAT YOUR COMPLAINT BE RESOLVED?**

BOARD OF TRUSTEES  
BUFFALO & ERIE COUNTY PUBLIC LIBRARY  
MEETING DATE: July 20, 2023

AGENDA ITEM NUMBER: E.2.e.

RESOLUTION: 2023-23  
Blanket Title Change Resolution

**BACKGROUND:**

The Buffalo & Erie County Public Library has multiple policies that will need to be updated to reflect the title change from "Deputy Director - CFO" to "Assistant Deputy Director - Controller."

The Library has a process for review of standing policies to ensure that they remain timely and effective. This Resolution will not affect that process but will allow the change in title without disrupting the original schedule intended for reviewing these policies.

The Board's Policy Committee met on July 13, 2023 to review the attached proposed Blanket Title Change Resolution. Recommended changes include changing the title of "Deputy Director - CFO" outlined in multiple policies to "Assistant Deputy Director - Controller."

The Policy Committee recommends the proposed Blanket Title Change Resolution for approval by the full Board.

**ACTION REQUIRED:**

Motion to adopt Resolution 2023-23.

PROPOSED RESOLUTION 2023-23

WHEREAS, the Buffalo & Erie County Public Library has a process for review of standing policies to ensure that they remain timely and effective, and

WHEREAS, the Policy Committee recommends using this opportunity to update the title "Deputy Director - CFO" to "Assistant Deputy Director - Controller" in various policies, and

WHEREAS, changing the title of "Deputy Director - CFO" outlined in the B&ECPL policies to "Assistant Deputy Director - Controller" will not interrupt the process for review of standing policies to ensure that they remain timely and effective, now therefore be it

RESOLVED, that the Board of Trustees of the B&ECPL adopts the proposed revisions to the B&ECPL's policies to correct the titles outlined in these policies, and be it further

RESOLVED, that as policies are identified containing the title of "Deputy Director - CFO" this resolution shall allow correction by the Director without further approval of the Board of Trustees, and be it further

RESOLVED, that a copy of the approved policies to be distributed to all B&ECPL libraries, Contracting Libraries, and Contracting Library Trustees as well as be posted on the B&ECPL's website.





## ACCESSIBILITY OF LIBRARY SERVICES POLICY

*This policy is a system-wide policy for application to all libraries within the Buffalo & Erie County Public Library System.*

### I. STATEMENT OF POLICY

The Buffalo & Erie County Public Library (B&ECPL) will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. Each library within the B&ECPL will abide by the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA), and all other applicable state and local laws relating to accessibility of services within each library.

### II. APPLICABILITY

This Policy applies to accessibility of B&ECPL services, programs, or activities to B&ECPL patrons. The B&ECPL Equal Employment Opportunity and Anti-Harassment Policy governs employment-related complaints of disability discrimination. Services, programs, or activities provided by organizations other than the B&ECPL at the Central Library or Buffalo Branches are addressed in the Facility Use Policy.

### III. ACCESSIBILITY OF LIBRARY SERVICES

#### A. Assistive Technology and Resources

1. A list of assistive technologies and resources will be made available on the B&ECPL website, [www.BuffaloLib.org](http://www.BuffaloLib.org), in libraries, or by calling (716) 858-8900.
2. The list will include the library location(s) where the technologies and resources are available, as certain services may not be available at all locations.

## B. Effective Communication

1. The B&ECPL will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its services, programs, and activities.
2. The B&ECPL will, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in B&ECPL services, programs, and activities in accordance with the ADA.
3. Such aids may include but are not limited to: qualified sign language interpreters, documents in Braille, and other ways of making information and communications accessible to people who have speech, hearing, or vision impairments.
4. The B&ECPL will not charge the individual patron or group of patrons for the cost of providing auxiliary aids/services or reasonable modifications of policy necessary to ensure accessibility to B&ECPL services, programs, or activities.
5. The B&ECPL is not required, by law, to take any action that would fundamentally alter the nature of its programs or services, or impose an undue financial or administrative burden.

## C. Requests for Accommodations

1. Patrons may contact either the ADA Coordinator or the Library Director/Manager at the library location where they seek service.

ADA Coordinator  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203-1887  
(716) 858-8900  
[access@buffalolib.org](mailto:access@buffalolib.org)

2. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to

participate in a service, program, or activity of the B&ECPL should contact the ADA Coordinator or the Library Director/Manager as soon as possible, but no later than 7 business days before the scheduled event.

3. If the patron contacts the ADA Coordinator, the ADA Coordinator will communicate the request for accommodation to the Library Director/Manager at the library location where service is being requested.
4. Arrangements for accommodations for a specific program or activity shall be made by the Library Director/Manager of the library hosting or sponsoring the program or activity.
5. The ADA Coordinator will be available, as necessary, to assist the Library Director/Manager in identifying resources and service providers.
6. At the time the patron is notified of the accommodation, the ADA Coordinator or Library Director/Manager will notify said patron of cancellation policies.

#### IV. GRIEVANCE PROCEDURE

Complaints that a service, program, or activity of the B&ECPL is not accessible to persons with disabilities should be directed to the ADA Coordinator, in accordance with the grievance procedure set forth below.

##### A. Complaint

1. The complaint should be in writing and should include: description of the complaint, as well as date, time, and location of occurrence. Complainants should include their name, address, phone number, best method of communication, and, where appropriate, the accessible format in which the B&ECPL can submit a response. Alternative means of filing complaints, such as personal interviews or a recording of the complaint, will be made available for persons with disabilities upon request. Such complaints will be transcribed by the B&ECPL to create a written record.
2. The complaint should be submitted by the grievant and/or their designee as soon as possible, but no later than 60 calendar days after the alleged violation to:

ADA Coordinator  
Buffalo & Erie County Public Library  
1 Lafayette Square  
Buffalo, NY 14203-1887  
(716) 858-8900  
[access@buffalolib.org](mailto:access@buffalolib.org)

3. Within 15 calendar days after receipt of the complaint, the ADA Coordinator or designee will meet with the complainant to discuss the complaint and possible resolutions. If the complainant does not respond to ADA Coordinator's attempt to schedule a meeting or fails to appear at the meeting without prior notification, the ADA Coordinator may treat the complaint as abandoned.
4. Within 15 calendar days of the meeting, the ADA Coordinator or designee will respond in writing or in a format accessible to the complainant as necessary, such as large print, Braille, or audio file. The response will explain the position of the B&ECPL and offer options for substantive resolution of the complaint.

#### B. Appeals

1. If the response by the ADA Coordinator or designee does not satisfactorily resolve the issue, the complainant or designee may appeal the decision within 15 calendar days after receipt of the response as follows:
  - i. Appeals arising from complaints at the Central Library or Buffalo Branches shall be directed to the B&ECPL Library Director.
  - ii. Appeals arising from complaints at a library outside of the City of Buffalo shall be directed to the respective Library Director/ Manager at the applicable library location or the Chair of the respective library's Board of Trustees, as determined by the respective library's Board.
2. In either case as in i. or ii. above, within 15 calendar days after receipt of the appeal, the respective Library Director, Board Chair or designee will meet with the complainant to discuss the complaint and possible resolutions.
3. Within 15 calendar days after the meeting, the respective Library Director, Board Chair, or designee will respond in writing or in a

format accessible to the complainant as necessary, with a final resolution of the complaint.

C. Retention of Records

All written complaints, appeals, and responses to said complaints will be retained by the B&ECPL for a minimum of three years.

Adopted September 19, 2019 per Resolution 2019-31.

**TUESDAY, OCTOBER 17 -  
SATURDAY, OCTOBER 21**

# **LIBRARY DISCARDS BOOK SALE**

Sale takes place in the Library Makerspace. Books, DVDs, CDs and more available for purchase! **Buy by the bag or purchase individual items! More materials will be added throughout the sale!!!**

## **SALE HOURS:**

Tues, 10/17 from 2pm-8pm

Wed, 10/18 from 9am-5pm

Thurs, 10/19 from 9am-8pm

Fri, 10/20 from 9am-5pm

Sat, 10/21 from 10am-4pm

**\$12/bag on 10/17 &  
10/18**

**\$10/bag on 10/19**

**\$2/bag on 10/20 &  
10/21**



**WEST SENECA PUBLIC LIBRARY - 1300 UNION RD - WEST SENECA, NY 14224 - (716) 674-2928**

## CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: WEST SENECA PUBLIC LIBRARY

MONTH: Jul-23

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
<b>Utility Charges:</b>								
515000	Water	0	0	0	0		0	
515000	Sewer	0	0	0	0		0	
515000	Electric	7,500	0	4,780	2,720	7,170	330	
515000	Telephone - Maintenance	0	0	125	(125)		0	
510200	Dues and Fees	0	0	0	0		0	
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	700	0	29	671	700	0	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	100	0	0	100		100	
530000	Other Expenses & Charges	600	0	572	28	600	0	
530000	Contingency (Bullet Aid)	0	0	7,349	(7,349)		0	
<b>TOTAL EXPENSES</b>		<b>8,900</b>	<b>0</b>	<b>12,855</b>	<b>(3,955)</b>	<b>8,470</b>	<b>430</b>	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	100	0	221	(121)	221	121	
Copy Machines	1,500	0	1,261	239	2,050	550	
Print Cost Recovery	5,000	0	3,264	1,736	5,100	100	
Other Income	200	0	41	159	80	(120)	
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	0	0	0		0	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	0	0	0		0	
Use of Fund Balance	0	0	0	0		0	
<b>TOTAL DIRECT INCOME</b>	<b>6,800</b>	<b>0</b>	<b>4,787</b>	<b>2,013</b>	<b>7,451</b>	<b>651</b>	

## CONTRACT MEMBER LIBRARIES - Monthly Financial Report

LIBRARY: WEST SENECA PUBLIC LIBRARY

MONTH: Aug-23

SAP Acct.	Description	Adopted Budget	Budget Transfers	Year-to-Date Expenditures	Available Budget	Projected Utilization at 12/31	Projected Variance at 12/31	Comments
500000	Salaries - Full-time	0	0	0	0		0	
502000	Fringe Benefits	0	0	0	0		0	
<b>Utility Charges:</b>								
515000	Water	0	0	0	0		0	
515000	Sewer	0	0	0	0		0	
515000	Electric	7,500	0	4,780	2,720	7,170	330	
515000	Telephone - Maintenance	0	0	125	(125)		0	
510200	Dues and Fees	0	0	0	0		0	
545000	Rental Charges	0	0	0	0		0	
506200	Repairs & Maintenance Chgs.	700	0	29	671	700	0	
555050	Insurance Charges	0	0	0	0		0	
510000	Travel & Mileage Expenses	100	0	0	100		100	
530000	Other Expenses & Charges	600	0	572	28	600	0	
530000	Contingency (Bullet Aid)	0	0	7,349	(7,349)		0	
TOTAL EXPENSES		8,900	0	12,855	(3,955)	8,470	430	

DIRECT LOCAL INCOME	Adopted Budget	Budget Revisions	Y-T-D Revenues	To Be Realized	Projected Revenues	Projected Variance	Comments
Fines, Lost Books, etc.	100	0	226	(126)	226	126	
Copy Machines	1,500	0	1,503	(3)	2,050	550	
Print Cost Recovery	5,000	0	4,134	866	5,300	300	
Other Income	200	0	50	150	80	(120)	
State Funding	0	0	0	0		0	
Municipal Support	0	0	0	0		0	
Donations (priv. persons/foundations)	0	0	0	0		0	
Fundraising (events/booksales)	0	0	0	0		0	
Interest Income	0	0	0	0		0	
Misc Income	0	0	0	0		0	
Use of Fund Balance	0	0	0	0		0	
TOTAL DIRECT INCOME	6,800	0	5,913	887	7,656	856	



Local Account Check Register

Number	Date	Description of Transaction	C	Debit (-)	Credit (+)	Balance
1017	7/19/23	Robert Alessi- program supplies for Bluey birthday party, scrape painting, and summer kickoff seed planting	√	\$90.91		\$22,519.68
1018	7/19/23	Amazon Capital Services- Hand soap, hand sanitizer, laminating pouches, duct tape for program. Invoices 13TJ-JCWX-DWJN; 17RP-XRWY-4,FHX	√	\$123.55		\$22,396.13
1019	7/19/23	Amazon Capital Services- citizen science kit items, canvas, hair dryer, outdoor game, masking tape. Invoices- 1P6K-KLTL-7F6X; 1KDW-7PHX-CFYK; 1YJK-LLD0-ROPP	√	\$328.63		\$22,067.50
1020	7/19/23	Pine Ridge Enterprises- Battle of the Books, one size L t-shirt		\$5.00		\$22,062.50

Local Account Check Register

Number	Date	Description of Transaction	C	Debit (-)	Credit (+)	Balance
1021	8/3/23	Demco, Inc.- Mystery stickers for processing. Invoice #7333444	√	\$18.69		\$22,043.81
1022	8/3/23	Amazon Capital Services- Program supplies- cardboard tubes, construction paper, DVD/blu-ray player, info pamphlet (pamphlet paid for by Rotary). Invoice # 1HQ-3N19-PPLH and 17HQ-47M1-YVTF	√	\$195.83		\$21,847.98
1023	8/4/23	Amazon Capital Services- Program supplies- bike pump and corks for Rockets program. Invoice #16YH-6RY6-H966	√	\$32.92		\$21,815.06
1024	8/4/23	WS Chamber of Commerce membership dues- Member ID 3280		\$75.00		\$21,740.06
1025	8/21/23	Amazon Capital Services- Program supplies: brass fasteners, paper plates; wipes for cleaning. Invoice # 1NHW-XHP7-K96F		\$27.84		\$21,712.22
	9/13/23	Donation deposit, check \$5652 from Robert and Nancy Morey			\$500.00	\$22,212.22

**West Seneca Public Library Bank Account Balances July 2023**

**M&T County Account**

**Balance \$34,576.45 (Note: Includes \$17,651.21 Assemblyman Burke State Aid)**

**M&T Local Account**

**Balance \$22,062.50 (Note: Includes \$17,997.99 Rotary)**

**Local M&T CD (1)**

**Balance \$40,720.13**

**Local M&T CD (2)**

**Balance \$5,080.72**

**Local M&T CD (3)**

**Balance \$5,080.72**

**Northwest Construction Grant Phase II**

**Balance \$0.00**

**M&T Construction Fundraiser Account**

**Balance \$14,319.36**

**Northwest Makerspace/Tech Account**

**Balance \$0.00**

**West Seneca Public Library Bank Account Balances August 2023**

**M&T County Account**

**Balance \$35,702.50 (Note: Includes \$17,651.21 Assemblyman Burke State Aid)**

**M&T Local Account**

**Balance \$22,212.22 (Note: Includes \$17,997.99 Rotary)**

**Local M&T CD (1)**

**Balance \$40,720.13**

**Local M&T CD (2)**

**Balance \$5,080.72**

**Local M&T CD (3)**

**Balance \$5,080.72**

**Northwest Construction Grant Phase II**

**Balance \$0.00**

**M&T Construction Fundraiser Account**

**Balance \$14,319.36**

**Northwest Makerspace/Tech Account**

**Balance \$0.00**

**September 27, 2023 Abstract of Checks**

<b>Voucher #</b>	<b>Date</b>	<b>Payee</b>	<b>Amount</b>	<b>Check#</b>	<b>Reason for expense</b>	<b>Date</b>
2023-L23	8/3/2023	Demco, Inc.	18.69	1021	Mystery stickers for labeling/processing books. Invoice # 7333444	8/3/2023
2023-L24	8/3/2023	Amazon Capital Services, Inc.	195.83	1022	Program supplies: cardboard tubes, construction paper, DVD/Blu-Ray player; Fans; Citizen Science Kit supplies: info pamphlets. Invoice #'s 1HPQ-3N19-PPLH and 17HQ-47M1-YVTF	8/3/2023
2023-L25	8/4/2023	Amazon Capital Services, Inc.	32.92	1023	Bike pump and corks for Rockets program Aug 2023. Invoice #16YH-6RY6-H966	8/4/2023
2023-L26	8/4/2023	West Seneca Chamber of Commerce	75.00	1024	West Seneca Chamber of Commerce membership dues renewal. Member ID# 3280	8/4/2023
2023-L27	8/21/2023	Amazon Capital Services, Inc.	27.84	1025	Program supplies: brass fasteners and paper plates; wipes for cleaning. Invoice # 1NHW-XHP7-K96F	8/21/2023
2023-L28	9/27/2023	Robert Alessi	40.72	1026	Acrylic paint, velcro, and handsoap	9/20/2023
2023-L29	9/27/2023	Emily Sieg	71.89	1027	Bluey cupcakes, slime making supplies, water for movie night	9/20/2023
2023-L30	9/27/2023	Amazon Capital Services, Inc.	183.95	1028	Headphones for children's room, program supplies: play doh and aluminum foil disposable pans; citizen science kit: microfiber cloths and dry erase markers; command strips. Invoice #16JH-7Y9P-GDPR	9/20/2023
2023-C18	9/27/2023	Town of West Seneca	1195.00	6419	Electric Bill- September and October 2023. Invoices #202309 and 202310	9/20/2023

2023 West Seneca Payroll Report\_PP15



As of Pay Period 15

FT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Librarian Director II	44,409.25	77,101.00	32,691.75
Librarian/Trainee	40,251.10	67,762.00	27,510.90
Library Assistant	25,788.73	38,821.00	13,032.27
Caretaker (RPT)	19,181.43	28,395.00	9,213.57
<b>FT Totals</b>	<b>129,630.51</b>	<b>212,079.00</b>	<b>82,448.49</b>

PT PERSONNEL			
Title	YTD Expensed	Budgeted	Remaining
Clerk Typist PT	14,726.05	21,724.00	6,997.95
Librarian I PT	18,370.79	33,607.00	15,236.21
Page PT	11,920.95	22,890.00	10,969.05
Senior Page	23,312.89	46,633.00	23,320.11
<b>PT Totals</b>	<b>68,330.68</b>	<b>124,854.00</b>	<b>56,523.32</b>

TOTAL COMBINED			
	YTD Expensed	Budgeted	Remaining
Caretakers	19,181.43	28,395.00	9,213.57
Clerk Typists	14,726.05	21,724.00	6,997.95
Librarian/Trainee	58,621.89	101,369.00	42,747.11
Librarian Director II	44,409.25	77,101.00	32,691.75
Library Assistant	25,788.73	38,821.00	13,032.27
Pages	11,920.95	22,890.00	10,969.05
Senior Page	23,312.89	46,633.00	23,320.11
Other Payments		2,944.00	2,944.00
Contractual Reserve		17,543.00	17,543.00
<b>Combined Totals</b>	<b>197,961.19</b>	<b>357,420.00</b>	<b>159,458.81</b>

ANNUAL BUDGET	\$	357,420.00
PROJECTED ENDING BALANCE	\$	298,518.81
<b>Projected Ending Balance</b>		<b>\$58,901.19</b>



## West Seneca Public Library FREEDOM of INFORMATION LAW (FOIL) POLICY

### I. Purpose and Scope

This Policy provides information about how members of the public can access records of the West Seneca Public Library. This Policy applies to the West Seneca Public Library only. For information on how to access records of the Buffalo & Erie County Public Library ([B&ECPL](#)) or the records of Buffalo & Erie County Public Library System functions, please refer to the Buffalo & Erie County Public Library Freedom of Information Law (FOIL) Policy which can be found on the B&ECPL Website [under Policies > B&ECPL Policies at B&ECPL FOIL Policy](#).

The West Seneca Public Library will furnish to the public the information and records required to be disclosed by the New York State Freedom of Information Law (Article 6, Sections 84-90, of the Public Officers Law), and other applicable laws. FOIL allows members of the public the right to access government records, with certain exceptions. The full text of the FOIL law, guidance issued by the New York State Committee on Open Government, and other information about the law can be found on the Committee's website, <http://www.dos.ny.gov/coog/index.html>.

### II. Designation of Records Access Officers

A. The Library shall designate an appropriate employee or employees as "Records Access Officers" for the West Seneca Public Library and shall identify the Records Access Officers as such in materials available to the public.

B. The records access officers are responsible for insuring that the West Seneca Public Library appropriately responds to public requests for access to the West Seneca Public Library records. The designation of records access officers shall not be construed to prohibit other the West Seneca Public Library officials, including those who may have been authorized to make records or information available to the public in the past, from continuing to do so.

### III. Requests for Public Access to West Seneca Public Library Records

A. All requests for records must be in writing, either in letter format or using the West Seneca Public Library's FOIL Application Form. Requests can be:

- Mailed to the Records Access Officer(s) at the following address:

Director, FOIL Access Officer  
West Seneca Public Library  
1300 Union Rd  
West Seneca, New York 14224

or

- Faxed to (716) 674-9206; or
- E-mailed to the Records Access Officer at [WSE@buffalolib.org](mailto:WSE@buffalolib.org).

B. All requests for access to records must include contact information of the requestor, including a telephone number and mailing address.

C. All requests must include a detailed description of the records that are being sought including, but not limited to, dates, titles, file designations, or any other information that will assist the West Seneca Public Library in locating the requested records.

#### **IV. West Seneca Public Library Response to Requests for Public Records**

A. Within five (5) business days of the receipt of a compliant written request, West Seneca Public Library will:

1. Make the record available to the requestor;
2. Furnish a written acknowledgement of the receipt of the request and a statement of the approximate date when the information will be made available; or
3. Deny access in writing, and state the basis for denying access.

B. A denial of access to any record will be sent in writing, and will summarize the reason for the denial, and provide information on how to appeal such denial.

C. If the West Seneca Public Library does not respond to a request in accordance with Section IV.A, the request should be considered to have been denied.

#### **V. Appealing a Denial of Access**

A. All appeals of a denial of a request for a West Seneca Public Library record must be submitted in writing within 30 days of the denied request, either in letter



format or using West Seneca Public Library's FOIL Appeal Form. An appeal may be

1. Mailed to:

Library Board President, FOIL Appeals Officer  
West Seneca Public Library  
1300 Union Rd  
West Seneca, New York 14224

2. Faxed to (716) 674-9206; or

3. E-mailed to the FOIL Appeals Officer at [WSE@buffalolib.org](mailto:WSE@buffalolib.org).

B. West Seneca Public Library's FOIL Appeals Officer shall be the President of the West Seneca Public Library Board of Trustees.

C. An appeal must include the date of the original FOIL request, a detailed description of the records that are being sought including but not limited to dates, titles, file designations, or any other information that will help the West Seneca Public Library to find the requested records, and the reason provided for the denial.

D. The West Seneca Public Library FOIL Appeals Officer will independently review the withheld records and the basis for withholding them. The West Seneca Public Library FOIL Appeals Officer will respond in writing to the appealing party within ten (10) business days after the appeal is perfected with ~~his or her~~ their determination as to whether the requested records were properly withheld or must be released.

E. Copies of all appeals and the determinations will be sent by the West Seneca Public Library to the Committee on Open Government pursuant to Section 89(4)(a) of the Public Officers Law.

## VI. Fees

A. The West Seneca Public Library reserves the right to charge the requestor for costs in accordance with Sections 87(1)(b)(iii) and 87(1)(b) and (c) of the Public Officers law.

B. There shall be no fee charged for merely inspecting or searching for records.

Revised and re-approved by the West Seneca Public Library Board of Trustees on November 20, 2019 and adoption confirmed January 15, 2020.

DRAFT

**WEST SENECA PUBLIC LIBRARY  
FREEDOM OF INFORMATION LAW (FOIL)  
APPLICATION FOR PUBLIC ACCESS TO RECORDS**

*This form is for application to the West Seneca Public Library.*

MAIL TO: Robert Alessi, Director  
FOIL Records Access Officer  
West Seneca Public Library  
1300 Union Road  
West Seneca, NY 14224

I hereby apply to (1) inspect (  ) OR (2) obtain a copy of (  ) the following record:

---

---

---

Signature

Date

Print Name

Telephone

Representing

e-mail

Mailing Address

<b>FOR AGENCY USE ONLY</b>	
Approved ( <input type="checkbox"/> )	
Denied (for the reason(s) checked below)	
( <input type="checkbox"/> ) Confidential Disclosure	
( <input type="checkbox"/> ) Part of investigatory files	
( <input type="checkbox"/> ) Unwarranted invasion of personal privacy	
( <input type="checkbox"/> ) Record of which the B&ECPL is legal custodian cannot be found	
( <input type="checkbox"/> ) Record is not maintained by the B&ECPL	
( <input type="checkbox"/> ) Exempted by statute other than the Freedom of Information Act	
( <input type="checkbox"/> ) Other (Specify) _____	
_____	
Signature	_____
Title	_____
Received by	Date

**WEST SENECA PUBLIC LIBRARY  
FREEDOM OF INFORMATION LAW (FOIL)  
APPEAL REQUEST FORM**

*This form is for application to the West Seneca Public Library.*

MAIL TO: President, Library Board of Trustees  
FOIL Appeals Officer  
West Seneca Public Library  
1300 Union Road  
West Seneca, NY 14224

I hearby appeal:

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date**

( )

\_\_\_\_\_  
**Print Name**

\_\_\_\_\_  
**Telephone**

\_\_\_\_\_  
**Representing**

\_\_\_\_\_  
**e-mail**

\_\_\_\_\_  
**Mailing Address**

\_\_\_\_\_  
**Date of Original Request:**

\_\_\_\_\_  
**Records Requested:**

\_\_\_\_\_  
**Reason Provided for Denial:**

\_\_\_\_\_  
\_\_\_\_\_

**FOR AGENCY USE ONLY**

Denial Upheld ( )

**Signature:** \_\_\_\_\_

Denial Reversed ( )

**Title:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## WEST SENECA PUBLIC LIBRARY INVESTMENT POLICY

### I. STATEMENT OF POLICY

#### A. Scope

This investment policy applies to all moneys and other financial resources available for deposit and investment by the West Seneca Public Library (WSPL) on its own behalf or on behalf of any other entity or individual.

#### B. Objectives

The primary objectives of the WSPL's investment activities are, in priority order:

1. To conform with all applicable federal, State and other legal requirements (legality);
2. To adequately safeguard principal (safety);
3. To provide sufficient liquidity to meet all operating requirements (liquidity);  
and
4. To obtain a reasonable rate of return (yield).

### II. DELEGATION OF AUTHORITY

The West Seneca Public Library Board's responsibility for the administration of the investment program is delegated to the Treasurer of the West Seneca Public Library's Board of Trustees who, in conjunction with the Library Director, shall establish written procedures for the operation of the investment program consistent with these investment policies. Such procedures shall include internal controls to provide a satisfactory level of accountability based upon records incorporating the description and amounts of investments, the fund(s) for which they are held, the place(s) where kept, and other relevant information, including dates of sale or other dispositions and amounts realized. In addition, the internal control procedures shall describe the responsibilities and levels of authority for key individuals involved in the investment program.

### III. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the WSPL to operate effectively.

Investments shall be made with prudence, diligence, skill, judgment and care, under circumstances then prevailing, which knowledgeable and prudent persons acting in like capacity would use, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program or which could impair their ability to make impartial investment decisions.

### IV. DIVERSIFICATION

It is the policy of the WSPL to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

The WSPL Board shall establish appropriate limits for the amount of investments which can be made with each financial institution or dealer, and shall evaluate this listing at least annually.

### V. INTERNAL CONTROLS

It is the policy of the WSPL for all moneys collected by any officer or employee of the WSPL to transfer those funds to accounts under the auspices of the Treasurer of the West Seneca Public Library Board on behalf of the WSPL as appropriate within fifteen business days of deposit, or within the time period specified in law, whichever is shorter.

The Treasurer of the West Seneca Public Library Board of Trustees is responsible for establishing and maintaining internal control procedures to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management's authorization, properly recorded, and managed in compliance with applicable laws and regulations.

**VI. DESIGNATION OF DEPOSITARIES**

The banks and trust companies that are authorized for the deposit of moneys, and the maximum amount which may be kept on deposit at any time, are:

<b>Depository Name</b>	<b>Maximum Amount</b>
M&T Bank	\$250,000
Northwest	\$250,000

**VII. SECURING DEPOSITS AND INVESTMENTS**

All deposits and investments at a bank or trust company, including all demand deposits, certificates of deposit and special time deposits (hereinafter, collectively, "deposits") made by officers of the WSPL that are in excess of the amount insured under the provisions of the Federal Deposit Insurance Act, including pursuant to a Deposit Placement Program in accordance with law, shall be secured by:

A pledge of "eligible securities" with an aggregate "market value" (as provided by the GML Section 10) that is at least equal to the aggregate amount of deposits by the officers. See Schedule A of this policy for a listing of "eligible securities."

**VIII. COLLATERALIZATION AND SAFEKEEPING**

Eligible securities used for collateralizing deposits made by officers of the WSPL shall be held by (the depository or a third party) bank or trust company subject to security and custodial agreements.

**A. Security Agreement**

The security agreement shall provide that eligible securities (or the pro rata portion of a pool of eligible securities) are being pledged to secure such deposits together with agreed-upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon a default. It shall also provide the conditions

under which the securities (or pro rata portion of a pool of eligible securities) held may be sold, presented for payment, substituted or released and the events of default which will enable the WSPL to exercise its rights against the pledged securities.

In the event that the pledged securities are not registered or inscribed in the name of the WSPL, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the WSPL or the custodial bank or trust company. Whenever eligible securities delivered to the custodial bank or trust company are transferred by entries on the books of a federal reserve bank or other book-entry system operated by a federally regulated entity without physical delivery of the evidence of the obligations, then the records of the custodial bank or trust company shall be required to show, at all times, the interest of the WSPL in the securities (or the pro rata portion of a pool of eligible securities) as set forth in the security agreement.

**B. Custodial Agreement**

The custodial agreement shall provide that pledged securities (or the pro rata portion of a pool of eligible securities) will be held by the custodial bank or trust company as agent of, and custodian for, the WSPL, will be kept separate and apart from the general assets of the custodial bank or trust company and will not be commingled with or become part of the backing of any other deposit or other bank liability. The agreement shall also describe how the custodian shall confirm the receipt, substitution or release of the collateral and it shall provide for the frequency of revaluation of collateral by the custodial bank or trust company and for the substitution of collateral when a change in the rating of a security causes ineligibility. The security and custodial agreements shall also include all other provisions necessary to provide the WSPL with a perfected security interest in the eligible securities and to otherwise secure the WSPL's interest in the collateral, and may contain other provisions that the WSPL Board deems necessary.

**IX. PERMITTED INVESTMENTS**

As provided by General Municipal Law Section 11, the WSPL Board of Trustees authorizes the Treasurer of the West Seneca Public Library to invest moneys not required for immediate expenditure for terms not to exceed its projected cash flow needs in the following types of investments:

Special time deposit accounts in, or certificates of deposit issued by, a bank or trust company located and authorized to do business in the State of New York.

All investment obligations shall be payable or redeemable at the option of the WSPL within such times as the proceeds will be needed to meet expenditures for purposes for



which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable in any event at the option of the WSPL within two years of the date of purchase. Time deposit accounts and certificates of deposit shall be payable within such times as the proceeds will be needed to meet expenditures for which the moneys were obtained, and shall be secured as provided in Sections VIII and IX herein.

Except as may otherwise be provided in a contract with bondholders or note holders, any moneys of the WSPL authorized to be invested may be commingled for investment purposes, provided that any investment of commingled moneys shall be payable or redeemable at the option of the WSPL within such time as the proceeds shall be needed to meet expenditures for which such moneys were obtained, or as otherwise specifically provided in General Municipal Law Section 11. The separate identity of the sources of these funds shall be maintained at all times and income received shall be credited on a pro rata basis to the fund or account from which the moneys were invested.

Any obligation that provides for the adjustment of its interest rate on set dates is deemed to be payable or redeemable on the date on which the principal amount can be recovered through demand by the holder.

#### X. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

All financial institutions and dealers with which the WSPL transacts business shall be creditworthy, and have an appropriate level of experience, capitalization, size and other factors that make the financial institution or the dealer capable and qualified to transact business with the WSPL.

The WSPL shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amounts of investments that can be made with each financial institution or dealer.

#### XI. PURCHASE OF INVESTMENTS

The Treasurer or ~~her/his~~their designee is authorized to contract for the purchase of investments:

Directly, a bank or trust company located and authorized to do business in the State of New York and limited to time deposit accounts in, or certificates of deposit issued by said bank or trust company located and authorized to do business in the State of New York.

#### XII. COURIER SERVICE

The Treasurer or ~~her/his~~their designee may, subject to the approval of the WSPL Board by resolution, enter into a contract with a courier service for the purpose of causing the deposit of public funds with a bank or trust company. The courier service shall be required to obtain a surety bond for the full amount entrusted to the courier, payable to the WSPL and executed by an insurance company authorized to do business in the State of New York, with a claims-paying ability that is rated in the highest rating category by at least two nationally recognized statistical rating organizations, to insure against any loss of public deposits entrusted to the courier service for deposit or failure to deposit the full amount entrusted to the courier service.

The WSPL may agree with the depository bank or trust company that the bank or trust company will reimburse all or part of, but not more than, the actual cost incurred by the WSPL in transporting items for deposit through a courier service. Any such reimbursement agreement shall apply only to a specified deposit transaction, and may be subject to such terms, conditions and limitations as the bank or trust company deems necessary to ensure sound banking practices, including, but not limited to, any terms, conditions or limitations that may be required by the Department of Financial Services or other federal or State authority.

### XIII. PRIOR RESOLUTIONS RECINDED, ANNUAL REVIEW AND AMENDMENTS

This policy replaces any and all prior policies or resolutions with respect to moneys and other financial resources available for deposit and investment by the WSPL. The WSPL shall review this investment policy annually, and it shall have the power to amend this policy at any time.

### XIV. DEFINITIONS

The terms "public funds," "public deposits," "bank," "trust company," "eligible securities," "eligible surety bond," and "eligible letter of credit" shall have the same meanings as set forth in General Municipal Law Section 10.

Approved by the West Seneca Public Library Board of Trustees on October 16, 2019.  
Adopted on November 20, 2019.

Formatted: Left, Indent: Left: 0", Space After: 0.9 pt

Schedule A

Schedule of Eligible Securities for Collateralizing Deposits and Investments in Excess of FDIC Coverage (see Investment Policy, Section VIII)

"Eligible Securities" for Collateral	For purposes of determining aggregate "market value," eligible securities shall be valued at these percentages of "market value":
(i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government-sponsored corporation.	100%
(ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank and the African Development Bank.	100%
(iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the market value of the obligation that represents the amount of the insurance or guaranty.	100%
(iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of this State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.	100%
(v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(vi) Obligations of the Commonwealth of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(vii) Obligations of counties, cities and other governmental entities of another state having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.	100% if rated in the highest category; 90% for 2nd highest; 80% for 3rd highest.
(viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.	80%
(ix) Any mortgage-related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by federal bank regulatory agencies.	70%
(x) Commercial paper and bankers' acceptances issued by a bank (other than the bank with which the money is being deposited or invested) rated in the highest short-term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.	80%
(xi) Zero-coupon obligations of the United States government marketed as "Treasury STRIPS."	80%

Chart Source: NY State Comptroller's Office Publication, *Investing and Protecting Public Funds*, August 2014