



# Clinton-Essex-Franklin Library System

## Discrimination Policy Statement, Regulations, and Procedures

*Adopted by the Board of Trustees  
October 28, 2019*

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Applies to: Union Employees, Management Confidential Employees, Board of Trustees, applicants for employment, interns, contractors and Volunteers

The Clinton-Essex-Franklin County Library System (C-E-F) is committed to maintaining a work environment that is free of discrimination. In keeping with this commitment, C-E-F will not tolerate harassment of its employees by anyone, including any manager, a supervisor, co-worker, vendor, or visitor of the library system. A copy of this policy will be distributed to all employees and posted in appropriate places.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, physical or mental handicap/disability, medical condition, marital status, veteran status, citizenship status, or other characteristic protected by Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or other applicable federal and state laws and regulations. C-E-F will not tolerate harassing conduct that affects tangible job benefits, interferes unreasonably with a person's work performance or creates an intimidating, hostile or offensive work environment.

Sexual harassment deserves special mention. 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. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment, (2) submission to or rejection of the conduct is used as the basis for an employment decision, or (3) the conduct has the purpose or effect of unreasonable interfering with a person's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding", or "teasing", "practical jokes", jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

All C-E-F employees are responsible to help assure that harassment is avoided. If you feel that you have experienced or witnessed, or have information regarding possible harassment, you should notify your supervisor or the Director immediately.

No person covered by this Policy shall be subject to adverse action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. C-E-F will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected harassment. Any employee

of C-E-F who retaliates against anyone involved in a 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, the Business Manager or the Director. 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 below in the section on Legal Protections.

C-E-F will investigate all harassment complaints promptly and thoroughly. The Director will develop and implement specific procedures for reporting, investigating and acting upon allegations of discrimination, including harassment, consistent with applicable law. To the fullest extent practicable, C-E-F will keep complaints and the terms of resolution confidential. If an investigation confirms that harassment has occurred, the Director will take corrective action, including, but not limited to, appropriate disciplinary action. Disciplinary action may include disciplinary proceedings and/or termination consistent with applicable law and/or contractual obligations.

It is the intention of this policy to comply completely with New York State and Federal laws regarding harassment and discrimination. In the case where this policy conflicts with any New York State or Federal Law, that law will prevail against this policy.

# **Clinton-Essex-Franklin Library System**

## **Discrimination Policy Administrative Regulations and Procedures**

Applies to: Union Employees, Management Confidential Employees, Board of Trustees, applicants for employment, interns, contractors and Volunteers

### **Section 1: CONSTRUCTION**

#### **1.1 Policy Definitions**

For the purpose of this policy:

“Days” means calendar days

“Person” and “Complainant” will include an employee, applicant, or patron of C-E-F

“Employee” means all personnel employed by C-E-F

#### **1.2 Publication of Policy**

C-E-F shall promulgate this policy as follows:

A copy of this policy statement shall be given to each new employee at the time of hire. A copy of this policy statement shall be posted in appropriate places in the C-E-F buildings. All such distributions or publications shall contain the name, business address, and telephone number of the current contact person designated in the policy.

#### **1.3 Policy Information**

A copy of the Administrative Regulations shall be provided to any interested person upon request to the Director.

#### **1.4 Other Discrimination and Harassment Information**

Further information concerning discrimination and harassment in employment can be found from:

Region Director  
United State Department of Education – Office of Civil Rights  
26 Federal Plaza  
New York, NY 10278

New York State Division of Human Rights  
Alfred E. Smith State Office Building  
25th Floor, P.O. Box 7063  
Albany, NY 12225-0063

Equal Employment Opportunity Commission  
New York District Office  
90 Church Street  
Room 1505  
New York, NY 10007

New York State Commissioner of Education  
New York State Education Department  
Washington Ave.  
Albany, NY 12234

**Section 2: STATEMENT OF PROHIBITED CONDUCT AS TO HARASSMENT  
OTHER THAN SEXUAL HARRASSMENT**

The C-E-F Library System considers the following conduct to represent some of the types of acts which violate C-E-F's policy prohibiting discrimination and harassment.

**2.1 Physical Conduct**

Physical assault (including hitting, pinching, slapping, poking, and squeezing) and intentional misconduct of a harassing nature of any kind (including obstructing a person's freedom of movement, stalking, and staring) is prohibited.

**2.2 Verbal Conduct**

Derogatory or demeaning gestures, noises, remarks, jokes, or comments about a person's color, race, ancestry, religion, national origin, age, physical or mental handicap/disability, medical condition, marital status, veteran status, citizenship status, or other such trait or characteristic protected by law are prohibited.

**2.3 Displays**

Discriminatory displays or publications anywhere on C-E-F property by a C-E-F employee or visitor are prohibited, such as:

- (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials of a derogatory or demeaning nature, bringing such materials into the C-E-F work environment and possessing such material to read, display, or view while at work.
- (2) Displaying signs or other materials purporting to segregate an employee by protected characteristic in any area of the workplace.

**2.4 Other Acts**

- (1) The above-mentioned conduct is not to be construed as an all-inclusive list of prohibited acts under this policy.
- (2) Discrimination and harassment is unlawful and hurts other employees. Any of the prohibited conduct described herein as discrimination or harassment hurts anyone at whom it is directed or who is otherwise subjected to it. Each incident of discrimination or harassment contributes to a general atmosphere in which all persons who share the victim's protected characteristic suffer the consequences. Harassing acts or discrimination-based conduct have to legitimate business purpose. Accordingly, the employee who engages in such conduct should be and will be made to bear full responsibility for such unlawful conduct.

## **Section 3: STATEMENT OF PROHIBITED CONDUCT AS TO 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.

The Clinton-Essex-Franklin Library System considers the following conduct to represent some of the types of acts which violate C-E-F's Policy specifically prohibiting sexual harassment.

#### **3.1 Physical Assaults**

Physical assaults of any kind are prohibited as well as physical assaults of a sexual nature, such as:

- (1) Rape, sexual battery, molestation or attempts to commit these assaults, and
- (2) Intentional physical conduct that is sexual in nature, such as touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body

#### **3.2 Sexual Advances**

Unwanted sexual advances, propositions, or other sexual comments, such as:

- (1) Sexually-oriented gestures, noises, remarks, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee who indicates or has indicated that such conduct in their presence is unwelcome.
- (2) Preferential treatment or promise of preferential treatment to an employee or student for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual for compensation and reward; and
- (3) Subjecting, or making threats of subjecting, an employee to unwelcome sexual attention or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.

#### **3.3 Displays**

Sexual or discriminatory displays or publications anywhere in C-E-F's workplace by a library employee, such as:

- (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic; bringing such material into the C-E-F work environment, possessing any such material to read, display, or view at work. A non-educational picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not

suitable to or ordinarily accepted for the accomplishment of routine work in and around C-E-F's workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of their body.

(2) Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning, or pornographic.

(3) Displaying signs or other materials purporting to segregate an employee by sex in any area of the workplace (other than restrooms and other similar semi-private lockers/changing rooms).

### **3.4 Other Acts**

Other acts:

(1) The above is not to be construed as an all-inclusive list of prohibited acts under this policy.

(2) Sexual harassment is unlawful and hurts other employees. Any of the prohibited conduct described herein is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business purpose. Accordingly, the employee who engages in such conduct should be and will be made to bear the full responsibility for each unlawful conduct.

## **Section 4: STATEMENT OF PROHIBITED RETALIATION**

### **4.1 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).

### **4.2 Protected Activities**

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

- a) made a complaint of discrimination or harassment, either internally or with any anti-discrimination agency;
- b) testified or assisted in a proceeding involving discrimination or harassment under the Human Rights Law or other anti-discrimination law;
- c) opposed discrimination or harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;

- d) reported that another employee has been discriminated against or harassed;  
or
- e) encouraged a fellow employee to report discrimination or harassment.

#### **4.3 Good Faith**

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.

### **Section 5: PROCEDURES FOR MAKING, INVESTIGATING, AND RESOLVING DISCRIMINATION, HARRASSMENT, AND RETALIATION COMPLAINTS**

#### **5.1 Definition of Discrimination and Harassment Complaint**

Any person who believes that he or she has been subjected to discrimination or harassment in violation of federal and state laws and regulations may bring a complaint to your supervisor, Business Manager or the Director which will be referred to as a Discrimination Policy Complaint.

#### **5.2 Filing a Discrimination Policy Complaint**

C-E-F will provide its employees with convenient, confidential, and reliable mechanisms for reporting incidents of possible discrimination, harassment, and retaliation. Accordingly, C-E-F designates the Business Manager to investigate discrimination and harassment issues. If the Business Manager must, for any reason, recuse her/himself from investigating a Discrimination Policy Complaint the Director shall conduct the investigation. The name, responsibilities, work location, and phone number of the Business Manager and Director will be routinely and continuously posted so that an employee, applicant, or patron seeking the Business Manager or Director can enjoy anonymity and remain inconspicuous to all of the employees of C-E-F.

Complaints of acts of discrimination, harassment, and/or retaliation that are in violation of the C-E-F Policy will be accepted in writing (either physically or electronically) or orally, and anonymous complaints will be taken seriously and investigated. However, it is preferred that a written statement of the complaint signed by the complainant be submitted to the designated contact person. This complaint procedure is designed and will be administered to avoid a situation where an employee is faced with complaining to the person, or a close associate of the person who is the subject of his/her complaint. Anyone who has observed possible discrimination, harassment or retaliation should report it to a supervisor, the Business Manager or the Director immediately.

A complainant need not be limited to someone who was the target of discrimination, harassment, or retaliation. Anyone in a management or supervisory role has an affirmative duty to report any known or suspected discrimination, harassment, or retaliation. Co-workers are encouraged to report incidents they observe or suspect.

Submission of a complaint of possible discrimination will not affect a person's future employment or work assignments as provided in the non-retaliation provision of these regulations.

### **5.3 Right to Alternative Complaint Procedures**

These procedures do not deny the right of any person to pursue other avenues of recourse available to him/her which may include filing an administrative charge, initiating a civil action, seeking redress under state criminal statutes and/or any applicable federal provisions.

### **5.4 Designated Contact Person Notification**

A supervisor will notify the Business Manager or the Director upon receipt of any Discrimination Policy Complaint. The Director will notify the Board of Trustees as to C-E-F's receipt of any Discrimination Policy Complaint.

### **5.5 Discrimination Policy Complaint Investigation**

The investigator shall create a complaint file, which shall contain a written description of the complaint, the investigation documentation, the complaint's resolution, and any follow-up documentation.

The Business Manager or Director will investigate all Discrimination Policy Complaints or appoint an investigative officer to conduct an investigation. An investigative officer may be a third party designated by C-E-F.

The complainant shall be entitled to representation of his or her choice, and at his or her own expense, at all complaint meetings. The complainant shall notify the investigative officer in writing of the name and title of any representative at least two (2) days prior to the meeting or as agreed by the parties. Only those persons who have an immediate need to know, including the Director and/or an investigative officer, the alleged target of the discrimination, harassment, or retaliation, the alleged harasser(s), discriminator(s), or retaliator(s) and any witnesses or persons with knowledge involved in the investigation will be permitted access to the identity of the complainant in the course of the investigation. All parties contacted in the course of an investigation shall be advised that all the parties involved in the charge are entitled to respect and that any retaliation or reprisal against any person who is an alleged target of discrimination, harassment, or retaliation, who is an alleged harasser, who has made a complaint or who has provided information in connection with a complaint or its investigation is a separate violation of C-E-F's Policy provisions prohibiting retaliation. This complaint process shall be administered consistent with federal and state labor law when bargaining unit members are affected.

All Discrimination Policy Complaints shall be investigated promptly by the Business Manager or Director or an appointed investigative officer. Investigations shall be initiated within seven (7) days of receipt of a complaint.



## **5.6 Investigation Report**

The Business Manager, Director or investigative officer shall produce a written investigation report upon the conclusion of the investigation, which shall summarize the investigation findings. The Business Manager, Director or investigative officer may make recommendations as to appropriate measures based upon the information gathered in the investigation of the complaint. The Director shall act in accordance with the investigation results. If the Business Manager or an appointed investigative officer is used, he/she shall forward the investigation report to the Director for action.

In the event the Director is implicated in a complaint, the Board of Trustees shall appoint an investigative officer and his/her investigative report will be forwarded directly to the Board of Trustees for review and action.

## **Section 6: DISCRIMINATION POLICY COMPLAINT RESOLUTION**

### **6.1 Complaint Resolution and Notification of Parties**

The Director (or Board of Trustees, if applicable) shall consider and act upon the Investigative Report and any recommendations contained therein within seven (7) days of its receipt and shall notify the complaint parties in writing as to the complaint's resolution.

Any C-E-F action taken pursuant to this policy will be consistent with requirements of applicable collective bargaining agreements, federal and state statutes and C-E-F policies.

C-E-F will take such corrective action it deems necessary and appropriate to end discrimination, harassment, and retaliation and prevent its recurrence.

### **6.2 Complaint Investigation Questions**

All questions regarding a complaint investigation should be directed to the Director. The Director shall meet with the complaint party to explain how the investigation was conducted upon request received within five (5) calendar days from his/her receipt of the complaint's written resolution.

### **6.3 Complaint Resolution Questions**

All questions regarding a complaint should be directed to the Director. The Director will address questions regarding a complaint resolution to explain how the result was reached upon request received within ten (10) calendar days of the distribution on the complaint's written resolution.

### **6.4 Complaint Resolution Appeal**

If the complaint has not been resolved, a complaint party may appeal the resolution to the Board of Trustees. A complaint party may appeal the complaint resolution by forwarding a signed Statement of Appeal to the Board of Trustees within ten (10) calendar days of his/her receipt of the written complaint resolution.

### **6.5 Appeal Meeting with Board of Trustees**

In an attempt to resolve the appeal, the Board of Trustees shall meet with the complaint party appealing and any representative within thirty (30) calendar days of receipt of such Statement of Appeal in a confidential meeting.

### **6.6 Appeal Disposition and Notification**

The Board's written disposition of the appeal shall be sent to the complaint party appealing and a copy to any representative within fifteen (15) days of the meeting with the Board. Notification of any remaining complaint parties shall be made as necessary based on the Board's action and in their discretion.

### **6.7 Board Action Appeal**

The decision of the Board of Trustees may be appealed by the complaint party contacting:

Regional Director  
New York State Division of Human Rights  
Alfred E. Smith State Office Building  
25th Floor, P.O. Box 7063  
Albany, NY 12225-9063  
(518)474-2705

### **6.8 Investigative File Access**

Investigative files will be available to federal, state, and local agencies charged with equal employment or affirmative action enforcement and as required by law. The name(s) of complainant(s) shall be kept under separate file.

### **6.9 Non-Retaliation Policy**

An effective Policy requires support and leadership by the example of all C-E-F personnel in positions of authority. C-E-F supervisors or employees who engage in harassment or retaliation may be severely sanctioned as appropriate, including suspension or termination. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment. In addition, library officials who refuse to implement remedial measures, obstruct remedial efforts of other C-E-F employees and/or retaliate against harassment complainants, witnesses or participants in an investigation or related proceeding may be immediately sanctioned as appropriate, including sanctions of suspension and termination.

## **Section 7: PROCEDURES AND RULES FOR EDUCATION AND TRAINING**

### **7.1 Education and Training**

Education and training of C-E-F employees at each level of the work force is critical to the success of this Policy.

### **7.2 Education and Training Components**

Education and training include the following components:

(1) For all Employees:

As part of general orientation, each employee will be given a copy of the C-E-F's Discrimination Policy and Regulations and be requested to read them and sign an acknowledgement so that they are on notice of the standards of behavior expected.

Per New York State mandate, every employee will attend or complete an online training of sexual harassment prevention annually. Supervisory employees are encouraged to attend a training each year that specifically addresses the supervisors' responsibilities in regards to discrimination, harassment and retaliation.

(2) For the Director:

The Director will attend an annual sexual harassment prevention training as required by law. In addition, the Director will attend a seminar conducted by experienced discrimination and harassment educators and/or investigators to learn about the problems of harassment in the workplace and techniques for identifying, investigating, and addressing discrimination and harassment at least every three years.



**Clinton-Essex-Franklin Library System**

**Discrimination Policy Complaint Resolution Appeal  
Form**

Applies to: Union Employees, Management Confidential Employees, Board of Trustees and Volunteers

Person filing appeal \_\_\_\_\_

Date of appeal \_\_\_\_\_ Date of original complaint \_\_\_\_\_

List prior appeals, if any \_\_\_\_\_

Description of decision being appealed \_\_\_\_\_

Describe why decision is being appealed (Attach additional pages if necessary)

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

Requested action to be taken \_\_\_\_\_

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

\_\_\_\_\_  
Appellant signature Date

\_\_\_\_\_  
Received by Date