

## Draft Non-discrimination and Anti-Harassment Policy 3/6/2019

### Non-Discrimination and Anti-Harassment Policy Introduction

The Pflugerville Public Library is committed to an environment in which all individuals are treated with respect and dignity. Each individual has the right to work and volunteer in a professional atmosphere that prohibits discriminatory practices, including harassment. Therefore, the Library expects that all relationships among persons in the library will be business-like and free of bias, prejudice and harassment.

The Pflugerville Public Library maintains a zero tolerance stance in regard to sexual or any other type of harassment of or by any of its employees, volunteers, patrons, and vendors. Actions, words, jokes, or comments based on an individual's sex, race, national origin, age, religion, disability, sexual orientation, or any other legally protected characteristic will not be tolerated.

This policy should not, and may not, be used as a basis for excluding or separating individuals of a particular gender, sexual orientation, or any other protected characteristic, from participating in work, use of facilities, activities or discussions in order to avoid allegations of harassment.

### Definitions of Harassment

**Sexual harassment** may occur whenever there are unwelcome sexual advances, requests for sexual favors, or any other verbal, physical, or visual conduct of a sexual nature when:

1. Submission to the conduct is made either implicitly or explicitly a condition of the individual's employment, use of facilities, access to materials, etc.;
2. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed person; or
3. The harassment has the purpose or effect of interfering with the person's work performance, use of facilities, or creating an environment that is intimidating, hostile, or offensive to the individual.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering; catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal or visual conduct of a sexual nature.

2. **Harassment on the basis of any other protected characteristic** is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of their race, religion, sex, sexual orientation, age, national origin, disability or any other characteristic protected by law,

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and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive environment; (ii) has the purpose or effect of unreasonably interfering with an individual; or (iii) otherwise adversely affects an individual's employment or use of the library. Harassing conduct includes, but is not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group (including through e-mail). Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, professional conferences, business meetings and business-related social events.

**Employees/Volunteers:** Any employee or volunteer engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to disciplinary action, up to and including discharge.

**Patrons/Vendors** Any patron or vendor engaging in practices or conduct constituting sexual harassment, discrimination or harassment of any kind shall be subject to banning from the library and/or discontinuation of library patronage not excluding the involvement of law enforcement when necessary.

### Retaliation Is Prohibited

The Pflugerville Public Library prohibits retaliation against any individual who reports discrimination or harassment, participates in an investigation of such reports, or files a charge of discrimination or harassment. Retaliation against an individual for reporting harassment or discrimination, for participating in an investigation of a claim of harassment or discrimination, or for filing a charge of discrimination or harassment is a serious violation of this policy and, like harassment or discrimination itself, will be subject to disciplinary action.

Any act of retaliation by any party directed against a complaining party, or participants in the process will be treated as a separate and distinct complaint and will be similarly investigated. Complaints of retaliation should be addressed to the Library Director or the Assistant City Manager overseeing Library Services.

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### Reporting Procedure

**Employees/Volunteers:** The Pflugerville Public Library strongly urges the reporting of all incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. While no fixed reporting period has been established, the Library strongly urges the prompt reporting of complaints or concerns so that rapid and constructive action can be taken.

The availability of this reporting procedure does not preclude individuals who believe they are being subjected to harassing or discriminatory conduct from promptly advising the offender that his or her behavior is unwelcome and requesting that it be discontinued.

If you experience or witness harassment or discrimination of any kind, you should deal with the incident(s) as directly and firmly as possible by clearly communicating your position to the offending person, your immediate supervisor, your department head, and/or the Director. You should also document or record each incident (what was said or done, by whom, the date, time and place, and any witnesses to the incident). Written records such as letters, notes, memos, e-mails, and telephone messages can strengthen documentation. It is not necessary that the harassment be directed at you to make a complaint.

- **Direct Communication with Offender:** If there is harassing or discriminatory behavior in the workplace, you should directly and clearly express your objection to the offending person(s) regardless of whether the behavior is directed at you. If you are the harassed employee or volunteer, you should clearly state that the conduct is unwelcome and the offending behavior must stop. However, you are not required to directly confront the person who is the source of your report, question, or complaint before notifying any of those individuals listed below. The initial message may be oral or written, but documentation of the notice should be made. If subsequent messages are needed, they should be put in writing.
- **Report to Supervisory and Administrative Personnel:** At the same time direct communication is undertaken, or in the event you, a patron or a volunteer feel threatened or intimidated by the offending person, one should promptly report the offending behavior to the staff person in charge or the Library Director. If you feel uncomfortable doing so, or if you're the director or supervisor is the source of the problem, condones the problem or ignores the problem, report directly to the Assistant City Manager who oversees the Library.
- **Report to Library Director/Assistant City Manager:** An employee, patron or volunteer may also report incidents of harassment or discrimination directly to the Library Director. The Library Director or his designee will promptly investigate the facts and take corrective action when an allegation is determined to be valid. If your complaint alleges harassment by the Library Director, or if the Library Director condones the problem or ignores the problem, you should immediately report the incident or incidents in writing directly to the Assistant City Manager who oversees the Library. An investigation will be conducted

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and appropriate action will be taken when an allegation is determined to be valid. At no time will personnel involved in the alleged harassment conduct the investigation.

### Responsibility of Supervisors and Witnesses

Any supervisor who becomes aware of any possible sexual or other harassment or discrimination of or by any employee, volunteer or patron should immediately advise the Library Director who will investigate the conduct and resolve the matter as soon as possible.

Everyone is encouraged to report incidents of harassment, regardless of who the offender may be or whether or not you are the intended victim.

### The Investigation

Human Resources will be made aware of any reports immediately. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly. The Pflugerville Public Library will make every reasonable effort to conduct an investigation in a responsible and confidential manner. However, it is impossible to guarantee absolute confidentiality. The investigation may include individual interviews with the parties involved, and where necessary, with individuals who may have observed the alleged conduct or may have other relevant knowledge. The Pflugerville Public Library reserves the right and hereby provides notice that third parties may be used to investigate claims of harassment. Everyone must cooperate in any investigation of workplace wrongdoing or risk disciplinary action, up to and including termination.

### Reporting Procedure

#### **Patrons:**

If a library patron experiences, or witnesses, harassment or discrimination of any kind, they are free to deal with the incident(s) as directly and firmly as possible by clearly communicating their position to the offending person. Anyone who becomes aware of any possible sexual or other harassment or discrimination of or by any employee or volunteer patron should immediately advise the Library Director who will investigate the conduct and resolve the matter as soon as possible.

If someone makes a complaint alleging harassment or discrimination against an agent, vendor, supplier, contractor, or person using Library programs or facilities, the Library Director will investigate the incident(s) and determine the appropriate action, if any. The Pflugerville Public Library will make reasonable effort to protect you from further contact with such persons. Please recognize, however, that the Library has limited control over the actions of non-employees and non-volunteers.

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### Responsive Action

The Pflugerville Public Library will determine what constitutes harassment, discrimination or retaliation based on a review of the facts and circumstances of each situation. Misconduct constituting harassment, discrimination or retaliation will be dealt with appropriately.