



Clinton-Essex-Franklin Library System *Discrimination Policy Complaint Form*

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

Clinton-Essex-Franklin Library System maintains a firm policy prohibiting all forms of discrimination and harassment, including sexual harassment. Sexual harassment against any employee is a form of sex discrimination. All persons are to be treated with respect and dignity. Unwelcome sexual advances or other forms of harassing behavior which create an intimidating, hostile or offensive work environment will not be tolerated.

Complainant _____ Home Phone _____

Home Address _____

Target(s) of the Discrimination or Harassment _____

Date(s) of the Discrimination or Harassment _____

Name of person(s) responsible for the Discrimination or Harassment _____

List any person(s) with knowledge of the Discrimination or Harassment _____

Where did the Discrimination or Harassment occur? _____

Describe the Discrimination or Harassment as clearly as possible, including such things as verbal statements, threats, requests, demands and what if any physical contact was involved. (Attach additional pages if necessary) _____

Resolution Desired _____

This complaint is based on my honest belief that conduct prohibited under C-E-F's Discrimination Policy has occurred. I hereby certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief.

Complainant Signature

Date

Received by

Date



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



Clinton-Essex-Franklin Library System

Discrimination Policy Administrative Regulations

Applies to: Union Employees, Management Confidential Employees, Board of Trustees 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
HARRASSMENT 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 characterisitic 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 Retaliation

Retaliation for discrimination complaints, such as:

(1) Disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related matters with an employee because that employee has complained about or resisted harassment, discrimination or retaliation;

(2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in this section.

2.5 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 no 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

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, 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 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 suited 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 Retaliation

Retaliation for sexual harassment complaints, such as:

- (1) disciplining, changing work assignments, providing inaccurate work information, or refusing to cooperate or discuss work-related issues with an employee because that employee has complained about or resisted harassment, discrimination, or retaliation, and
- (2) intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in this section.

3.5 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:
PROCEDURES FOR MAKING, INVESTIGATING, AND RESOLVING
DISCRIMINATION, HARRASSMENT, AND RETALIATION
COMPLAINTS**

4.1 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 or the Director which will be referred to as a Discrimination Policy Complaint.

4.2 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 Director to investigate all discrimination and harassment issues. The name, responsibilities, work location, and phone number of the Director will be routinely and continuously posted so that an employee, applicant, or patron seeking the 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 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 or the Director immediately.

A complainant need not be limited to someone who was the target of discrimination, harassment, or retaliation.

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.

4.3 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.

4.4 Designated Contact Person Notification

A supervisor will notify 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.

4.5 Discrimination Policy Complaint Investigation

The Director 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 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 complain 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 Director or an appointed investigative officer. Investigations shall be initiated within seven(7) days of receipt of a complaint.

4.6 Investigation Report

The Director or investigative officer shall produce a written investigation report upon the conclusion of the investigation, which shall summarize the investigation findings. The Director or investigative officer may make recommendations as to appropriate measure based upon the information gathered in the investigation of the complaint. The Director shall act in accordance with the investigation results. If 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 5:
DISCRIMINATION POLICY COMPLAINT RESOLUTION**

5.1 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.

5.2 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.

5.3 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.

5.4 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 Trustee's within ten(10) calendar days of his/her receipt of the written complaint resolution.

5.5 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.

5.6 Appeal Disposition and Notification

The Board's written disposition of the appeal shall be sent to the complaint part 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.

5.7 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

5.8 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.

5.9 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 6: PROCEDURES AND RULES FOR EDUCATION AND TRAINING

6.1 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.

6.2 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. In addition, the Director will explain orally at least one(1) time per year at departmental meetings or other such appropriate times, C-E-F's commitment to elimination and preventing sexual harassment and other forms of discrimination or harassment in the library system, the possible penalties for engaging in harassment, and the procedures for reporting incidents of possible discrimination and harassment.

(2) For all other supervisory employees:

Each supervisor will be trained in the administration of this policy and training will be refreshed as necessary. The Director shall attend the training sessions to introduce the seminar with remarks stressing the need to eliminate harassment. Each participant will be informed that he/she is responsible for knowing the contents of C-E-F's Policy and Regulations.

(3) For the Director:

The Director will attend a training 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.