



Policy HR 4.1 Discrimination, Harassment, Sexual Harassment and Retaliation

Adopted by the Library Board of Trustees: 01/24/2013

It is the policy of the North Olympic Library System that every employee and volunteer is to have a workplace that is free from discrimination, harassment, and retaliation. The Library seeks to eliminate and prevent harassment as well as to alleviate any effects such harassment may have on the working conditions of employees, volunteers and the workplace as a whole. Harassment against an employee or volunteer, whether sexual, racial, or due to an individual's membership in a protected class, generates a harmful working atmosphere and is strictly forbidden.

I. Definitions

Discrimination is providing employment opportunities, creating discriminatory working conditions, or using discriminatory evaluative standards when making employment decisions if the basis of that discriminatory treatment is, in whole or in part, on an employee's or volunteer's membership in a protected class which includes: race, color, national origin, age, religion, disability status, gender, sexual orientation, gender identity, genetic information, marital status, veteran status or other protected status.

Harassment is verbal or physical conduct that is designed to threaten, intimidate or coerce an individual because of his/her membership in a protected class. To be considered harassment under the terms of this policy, the harassment must be severe or pervasive and must unreasonably impair the ability of the targeted individual to perform his/her job.

Examples of harassment include unsolicited remarks, gestures or physical contact, display or circulation of written materials that are directed at an individual because of his/her membership in a protected class.

Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when submission to or rejection of such conduct is used as the basis of employment decisions, or such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Sexual harassment includes unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, when such conduct:

- a. Is made explicitly or implicitly a term or condition of employment;
- b. Is used as a basis for an employment decision; or

- c. Unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Examples of sexual harassment may include but are not exclusive to:

- a. Verbal: sexual innuendo, suggestive comments, jokes of a sexual nature, sexual propositions, repeated unwelcome requests for dates; verbal abuse or joking that is toward an individual that is sex oriented and considered unwelcome; using profane or foul language;
- b. Nonverbal: distribution, display or discussion of any written or graphic material, including calendars, posters, screen savers; viewing pornography; sending text messages that are sexual in nature; or
- c. Physical: unwelcome, unwanted physical contact, including but not limited to touching, tickling, pinching, intentionally brushing against someone's body in an obvious manner, kissing, fondling, or forced sexual interaction.

Retaliation is behavior directed at the complainant or witnesses in a manner that is hostile or otherwise discourages anyone from making a complaint of discrimination or harassment or engaging in other forms of protected activities. Retaliating against an individual for exercising their rights under this policy is strictly prohibited and is a separate violation of this policy. This includes any retaliation for inquiring about rights under this policy, or reporting or complaining about possible violations, or assisting in a complaint investigation, including providing truthful information about a possible violation. Retaliation is strictly prohibited and any Library employee (or volunteer) found to have engaged in such behavior may be disciplined up to and including termination.

Examples of retaliation may include altering the complainant's work schedule although a change was not previously scheduled, gossiping about the complainant, alienating or openly ignoring the person, excluding the person from important meetings or having access to critical information, and other behaviors as defined by state law.

2. Filing a discrimination, harassment, or retaliation complaint

Any NOLS employee or volunteer who feels he/she has been harassed or are aware of harassment occurring in the workplace is strongly encouraged to report the behavior to the Library Director. An employee who feels he/she has been harassed by the Library Director is strongly encouraged to report the behavior to the Chair of the Library Board of Trustees.

Complaints of discrimination or harassment against the Library Board of Trustees should be directed to the Clallam County Board of Commissioners.

Any employee who believes that s/he is or has been the subject of discrimination and/or harassment has the obligation to use the Library's complaint procedure as described below:

- a. If the employee is comfortable in talking with the offending coworker, in an attempt to stop the problematic behavior, they are encouraged to do so by having a frank conversation in which they describe the offensive behavior and ask the offender to stop the offensive behavior;
- b. If such a conversation is not practicable or has been ineffective, the employee should discuss his/her concerns with the Library Director or his/her designee;
- c. If the frank conversation and discussion with the Library Director fails to cause an end to the discrimination or harassment, the employee will need to file a complaint in writing, identifying the individual or individuals engaged in the behavior and describing in as much detail as possible the offensive behavior;
- d. If the employee is uncomfortable in filing a written complaint, the Library Director or his/her designee will identify an investigator who will interview the employee and summarize the content of the complaint as described during the in-person interview, and provide the interview summary to the employee to review and to note any necessary changes. The employee is required to sign the written complaint. The investigator will provide the interview summary to the Director or designee, or if the charge of discrimination or harassment is against the Director, to the Chair of the Library Board. The investigator will provide the employee with a copy of the interview summary.

3. Investigation into complaint

The Library Director or designee will thoroughly investigate all reports of discrimination, harassment, or retaliation and take appropriate steps to stop any incidents of harassment or retaliation in a timely manner.

In response to a complaint of discrimination or harassment, the Library will take steps to ensure that the complainant and witnesses are not retaliated against while in the workplace. All employees, as a condition of employment, are required to cooperate truthfully with any investigation into discrimination, harassment, or retaliation. The Library will take appropriate steps to maintain the confidentiality of the complaint by keeping the information limited to those who need-to-know or as dictated by law. The Director or investigator will summarize the results of the investigation in an investigative report. The investigator will conclude the investigative report outlining the facts of the investigation and how the facts support, or fail to support, the allegations of misconduct.

Should the Library Director be found, after an investigation, to have violated this policy, the matter will be forwarded to the Library Board of Trustees. Should a member of the Library Board of Trustees be found to have engaged in discrimination or harassment, the matter will be forwarded to the Clallam County Board of Commissioners.

4. Violation of Policy

An employee or volunteer found to have engaged in harassment, discrimination, or retaliation in violation of this policy will be subject to discipline, up to and including termination.

5. Administration

The Library Director and the Library Board of Trustees are responsible for managing this policy.