

Harassment in the Workplace

Effective May 20, 2002

It is the policy of the Manitowoc Public Library to maintain and ensure a working environment free from harassment, including sexual harassment or intimidation. The Manitowoc Public Library will not tolerate, condone, or allow harassment. Individuals covered under this policy include employees and applicants for employment; volunteers; members of the public; vendors, trades people, and others conducting business with the Library; and elected and appointed officials.

Harassment is a prohibited form of discrimination under state and federal employment law and/or is considered misconduct subject to disciplinary action by the Library. Specifically prohibited under this policy are:

- Verbal or physical conduct that creates a hostile, intimidating, or offensive working environment or interferes with an employee's ability to perform his or her job;
- Unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct that create a hostile, intimidating, or offensive working environment or interfere with an employee's ability to perform his or her job;
- Offensive or derogatory comments made to any person, either directly or indirectly, based on race, color, sex, religion, age, disability, sexual orientation, or national origin.

Any employee encountering harassment is encouraged but not required to inform the person that his or her actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee should document all incidents of harassment in order to provide the fullest basis for investigation should it subsequently become necessary.

This policy updates and replaces the policy entitled, "Addition to the Public Behavior Policy" which covered Harassment and was adopted by the Manitowoc Public Library Board of Trustees August 28, 1990 and revised March 23, 1992.

Responsibilities of Supervisors

All supervisory employees are required to refrain from engaging in any type of harassment, as defined by this policy. Every supervisor has the responsibility to assist any employee of the Library who comes to that supervisor with a complaint of harassment in documents and filing a complaint. Each supervisor is responsible for assisting in the prevention of harassment through the following acts:

- Monitoring the work environment on a daily basis for signs that harassment may be occurring.
- Training and counseling employees on what constitutes harassment and sexual harassment, on the type of behavior prohibited, and the Library's policy and procedures for reporting and resolving complaints of harassment.

- Working with the Library Director and Coordinators in stopping any action that may be considered harassment; taking appropriate steps to intervene, whether or not the involved employees are within his/her line of supervision; and reporting any and all incidents to the Library Director and appropriate Coordinator.
- Working with the Library Director and Coordinators in taking immediate action to prevent retaliation toward to the complaining party.
- Seeking to eliminate behavior that could result in a hostile work environment where there has been a complaint of harassment, pending investigation.

Failure of any supervisor to carry out the responsibilities identified above is serious misconduct. It will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including dismissal.

Responsibilities of Employees

All employees are required to refrain from engaging in any type of harassment, as defined by this policy. Employees should not tolerate harassment, including sexual harassment, on the part of supervisors, other employees and applicants for employment; volunteers; members of the public; vendors, trades people, and others conducting business with the Library; and elected and appointed officials.

Each employee is responsible for assisting in the prevention of harassment through the following acts:

- Refraining from participation in, or encouragement of actions that could be perceived as harassment;
- Reporting acts of harassment to a supervisory employee, the Library Director, or the Library Board President;
- Encouraging any employee who confides that he or she is being harassed or discriminated against to report these acts to a supervisory employee, the Library Director, or the Library Board President.

Failure of any employee to carry out the responsibilities identified above is serious misconduct. It will be considered in any performance evaluation or promotional decision and may be grounds for discipline up to and including dismissal.

Responsibilities of the Public

Volunteers, members of the public, vendors, trades people, others conducting business with the Library, and elected and appointed officials are required to refrain from engaging in any type of harassment, as defined by this policy, while conducting business with the Library. Supervisory staff will make an effort to determine the facts of the situation upon its being reported by an employee or observed by the supervisor.

When the supervisor is satisfied that harassment of an employee by a member of the public has or is taking place, the supervisor shall immediately warn the patron or member of the public that he or she is in violation of this policy and that the behavior will not be tolerated. This warning may be made orally and/or in writing. The person who violates this policy may be required immediately to leave the Library premises, including grounds or parking lots. A suspension of Library borrowing and/or use privileges may ensue under the Library's Public Behavior Policy.

In the event of a second violation of this policy, the person who violates this policy shall be barred from use of the Library pending further investigation, and the matter will be referred to the City Attorney and the Police Department for court action.

Complaint Procedures

Any employee who believes that he or she is being harassed shall report the incident(s) as soon as possible to any supervisory employee. The supervisor shall immediately report the allegation to the Library Director, so that steps may be taken to protect the employee from further harassment, and so that appropriate investigative measures may be initiated. If reporting to a supervisor is not practical, the employee may instead file a complaint directly with the Library Director or the Library Board President.

Any employee who does not feel it is practical to file a harassment complaint with supervisory employees, the Library Director, or the Library Board President may file the complaint with the City Attorney/Personnel Director who will commence the investigation, or with either or both of the following:

Wisconsin Equal Rights Division-Milwaukee (FEPA)
819 North Sixth Street, Room 255
Milwaukee, WI 53203
Phone: (414) 227-4384
TTY: (414) 227-4081

Equal Employment Opportunity Commission
Reuss Federal Plaza
310 West Wisconsin Avenue, Suite 800
Milwaukee, WI 53203-2292
Phone: 1-800-669-4000
TTY: 1-800-669-6820

If the employee files a complaint with the State of Wisconsin Equal Rights Agency or Equal Employment Opportunity Commission, the employee shall file a copy of the complaint with the Library Director within 24 hours of filing the complaint.

Conduct of Investigation

The Library Director is the internal investigations authority designated by the Library Board of Trustees and shall be responsible for investigating and/or overseeing the investigation of any complaint alleging harassment. The Library Director shall take steps to ensure proper documentation of the incident(s)

complained by, the person(s) alleged to be performing or participating in the harassment, any witnesses to the incident(s), and the date(s) on which it occurred.

During the conduct of the investigation, the Library Director shall take steps to ensure that:

- The police are notified immediately if the complaint contains evidence of criminal activity, such as battery, rape or attempted rape;
- Care is taken to avoid action that appear to punish the complainant;
- Transfer or reassignment of any of the parties involved is voluntary if possible and, if non-voluntary, should be temporary, pending the outcome of the investigation;
- The complaining party's confidentiality is maintained throughout the investigatory process to the extent practical and appropriate under the circumstances;
- There shall be no retaliation against any employee for filing a harassment complaint, or for assisting, testifying, or participating in the investigation of such a complaint.

At the conclusion of the investigation, the parties involved shall be notified of the outcome of the investigation. If it is determined that harassment did in fact take place, the Director shall investigate further to determine if other employees have been or are being harassed by the person, and whether other Library employees participated in or encouraged the harassment.

A file of harassment complaints shall be maintained in a secure location. Incidents resulting in a formal finding of harassment shall be reported to the Library Board of Trustees.

Discipline

Discipline up to and including termination may result from any and all incidents of harassment, depending upon the severity of the offense.

Complainants or employees accused of harassment may file a grievance appeal in accordance with Library procedures when they disagree with disposition of a harassment claim. This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

Retaliation

Retaliation against any employee for filing a harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint, is illegal and is prohibited by the Library, the City of Manitowoc, and by state and federal statutes.

Retaliation is a form of employee misconduct. Any evidence of retaliation shall be considered a separate violation of this policy and shall be handled by the same complaint procedures established for harassment complaints.

Monitoring to ensure that retaliation does not occur is the responsibility of the Library Director.

Definitions

Harassment is any verbal, written, visual or physical act that creates a hostile, intimidating or offensive work environment or interferes with an individual's job performance.

Harassment on Any Basis (race, sex, age, disability, religion, etc.) exists whenever submission to harassing conduct is made, either explicit or implicit, a term or condition of an individual's employment; submission to or rejection of such conduct is used as the basis or an employment decision affecting an individual; or the conduct interferes with an employee's work or creates an intimidating, hostile, or offensive work environment. Such conduct is prohibited under this policy and §111.31-111.39 Wis. Stats.

Forms of Harassment include persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in military service, or use or non-use of lawful products away from work. Harassment that is prohibited under this policy and §111.31-111.39 of the Wis. Stats. includes but is not limited to:

- display of sexually suggestive or offensive objects or pictures and/or printed or written materials, including offensive cartoons;
- inappropriate usage of voicemail, email, the Internet, or other such sources as a means to express or obtain sexual material, comments, etc.;
- obscene gestures, or utterance of suggestive or offensive sounds, whistling, or catcalls;
- sexual innuendoes, degrading or suggestive comments;
- repeated pressure for dates;
- jokes of a sexual nature;
- unwelcome sexual flirtations;
- degrading words used to describe an individual or group;
- obscene and/or graphic descriptions of an individual's body;
- threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

Sexual Harassment means unwelcome sexual advances, unwelcome requests for sexual favors, unwelcome physical contact of a sexual nature or unwelcome verbal or physical conduct of a sexual nature. "Sexual harassment" includes conduct directed by a person at another person of the same or opposite gender. "Unwelcome verbal or physical conduct of a sexual nature" includes but is not limited

to the deliberate, repeated making of unsolicited gestures or comments of a sexual nature; the deliberate, repeated display of offensive sexually graphic materials which is not necessary for business purposes; or deliberate verbal or physical conduct of a sexual nature, whether or not repeated, that is sufficiently severe to interfere substantially with an employee's work performance or to create an intimidating, hostile or offensive work environment. (§111.31, Wis. Stats.) "Physical harassment" includes unsolicited or unwelcome physical contact of a sexual nature, which may include touching, hugging, massages, kissing, pinching, patting or regularly brushing against the body of another person.

Unwelcome: Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome. The conduct may be unwelcome even though the victim voluntarily engages in it to avoid adverse treatment.