

**PIONEERLAND LIBRARY SYSTEM
BOARD POLICY**

Policy: Sexual Harassment	Policy number: 2301
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Approved By PLS Personnel Committee: 9/15/05	Approved by the Board: 11/17/05
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Purpose: To inform all employees and board members of PLS' commitment to zero tolerance for sexual harassment in any library or facility associated with PLS. To define supervisor and employee responsibility to ensure that PLS maintains sexual harassment-free environments. To outline PLS' procedures to prevent, investigate, and respond to sexual harassment at PLS headquarters and member libraries.

Policy: It is the policy of the Pioneerland Library System and the responsibility of its board members, managers, supervisors, and employees to promote a work environment free from sexual harassment. Acts of sexual harassment by any employee, manager, supervisor or board member will not be tolerated by PLS and are grounds for disciplinary action up to and including discharge from employment or termination of affiliation with PLS. Employees who believe they are being sexually harassed are encouraged to use available resources and options to resolve their concerns. Managers/supervisors will take prompt and appropriate action in response to reports of sexual harassment.

Definition of Sexual Harassment

Sexual harassment: Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature including, but not limited to, the following when:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment; or
- submission to or rejection of that conduct or communication by an individual is used as a factor in decision affecting that individual's employment; or
- that conduct or communication has the purpose or effect of substantially interfering with an individual's employment or creating an intimidating, hostile, or offensive employment environment; and the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action; or
- sexually harassing behaviors occur away from the work site and impact the employment environment.

Sexual harassment may take different forms, including but not limited to:

- pervasive, repetitive and unwelcome sexual remarks or conduct; or
- threats, demands or suggestions that an employee's work status is contingent upon the employee's toleration or acquiescence to sexual advances; or
- displaying in the workplace sexually suggestive objects, publications or pictures; or
- making unwanted advances to a non-PLS employee which adversely affects PLS' business purposes or business relationships, e.g., sexually harassing a food server while on a rest break, lunch break or in travel status or sexually harassing a library patron.

Conduct That Constitutes Unlawful Sexual Harassment

Unlawful sexual harassment generally falls into two categories:

- "Extortion" or "coercive" type harassment (also called "quid pro quo"): Submission to sexual overtures is a condition of employment, such as but not limited to hiring, promotion, or performance review.
- "Climate of work" or "hostile environment" type harassment: The behavior is marked by sexual conduct, or communication which may include but is not limited to jokes, touching, statements, or sexually explicit pictures which are sufficiently severe or pervasive to create an intimidating, hostile, or offensive working environment.

Procedures:

All employees:

1. All new employees and PLS Board Members will be provided with a copy of the Sexual Harassment Policy at the start of their affiliation with PLS. This policy will be reviewed during their orientation, which will be documented and kept on file.

An employee who believes he/she is being sexually harassed can take any of the following actions:

1. Directly inform the person(s) engaging in perceived sexual harassing conduct or communications that such conduct or communication is offensive, and ask that it stop.
2. Those who do not feel comfortable in communicating directly with the person(s) whose conduct or communication is offensive or whose direct communication with the offending party has been unsuccessful, can immediately contact his/her supervisor.
3. Whose supervisor is engaging in sexual harassment, or who is not comfortable for whatever reasons in contacting his/her supervisor, may contact his/her manager or the PLS Director/Designee. In the event the PLS Director/Designee is engaging in sexual harassment, the employee should contact the Chair of the Personnel Committee. The Chair of the Personnel Committee will notify the Chair of the PLS Board.
4. In most cases, employees will be asked to put their complaint in writing. The written complaint should include date(s), time(s), location(s), and description of incident, witnesses, and employee's response. Assistance in writing out the complaint will be provided if necessary.

5. May file an external complaint with the MN Department of Human Rights and/or the Equal Employment Opportunity Commission and/or District Court in lieu of using the PLS procedure.

Note: Employees should be aware that complaints must be filed with the above agencies within certain time limitations after the occurrence of the incident. Employees are encouraged, however, to use the internal PLS resources for sexual harassment issues.

Supervisors and Managers:

1. Take necessary steps to protect employees from sexual harassment in the workplace.
2. Receive reports of sexual harassment.
3. Report all incidents in writing to the PLS Director/Designee within one working day. In the event the incident involves the PLS Director/Designee, report the incident in writing to the Chair of the Personnel Committee within one working day. The Chair of the Personnel Committee will notify the Chair of the PLS Board.
4. As required, participate in investigations and testify in administrative and court hearings.
5. Model appropriate behavior in the workplace.

PLS Director/Designee:

1. Take necessary steps to protect employees from sexual harassment in the workplace.
2. Receive reports of sexual harassment.
3. Complete an investigation promptly after receiving report of an incident. The investigation will include interviews with employees and witnesses, a determination of the frequency, severity, context, and duration of incident(s) as well as its interference with work performance, and the collection of any document(s) or other information relating to incident(s). The investigation will be conducted impartially and confidentially.
4. Submit a confidential written report to the Chair of the Personnel Committee and the Chair of the PLS Board after receiving report of an incident. This written report will document findings of the investigation and recommend action. Action could include, but is not limited to: mediation, disciplinary action (under Policy 701), recommendation to seek legal counsel, suspension, or termination of employment of offending employee or of an employee making false accusations.
5. If the incident involves the Chair of the Personnel Committee, submit the report only to the Chair of the PLS Board. Similarly, if the incident involves the Chair of the PLS Board, submit the report only to the Chair of the Personnel Committee.
6. If required, testify in administrative and court hearings.
7. Model appropriate behavior in the workplace.

PLS Board Members:

1. Receive investigative reports and determine disciplinary action which can include, but is not limited to: mediation, disciplinary action (under Policy 701), recommendation to seek legal counsel, suspension, or termination of employment of offending employee or of an employee making false accusations.
2. If required, testify in administrative and court hearings.

3. Model appropriate behavior in the workplace.

Human Resource Designee:

1. Provide all new employees and PLS Board Members with a copy of the Sexual Harassment Policy at the start of their affiliation with PLS. Review this policy with the new employee and/or board member during their orientation, which will be documented and kept on file.
2. Retain copies of all reports and/or recommendations in PLS personnel files.

Prohibition Against Reprisal: Managers, supervisors, employees, and PLS board members are prohibited from taking disciplinary or retaliatory action against an employee because that employee has complained of sexual harassment. Any employee who believes that he/she is the target of retaliation is to promptly communicate this concern to his/her supervisor, manager, or the PLS Director/Designee. If the PLS Director/Designee is engaging in retaliatory action, this should be reported to the Chair of the Personnel Committee. The Chair of the Personnel Committee will notify the Chair of the PLS Board.