

**PIONEERLAND LIBRARY SYSTEM  
BOARD POLICY**

<b>Policy: Harassment</b>	<b>Policy number: 2303</b>
<b>Policy Date: April 17, 1997</b>	<b>Revision Date: October 14, 2005</b>
<b>Approved By PLS Personnel Committee: 9/15/05</b>	<b>Approved by the Board: 11/17/05</b>
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**Purpose:** To describe PLS’ position against harassment and to remind all employees that harassment or any kind is prohibited at Pioneerland Library System and will not be tolerated. It is necessary to halt and eliminate all forms of harassment in order to provide and maintain a productive work environment. Harassment which is based on protected characteristics is a form of unlawful discrimination. Other types of harassment decrease employee morale, productivity and effectiveness.

**Policy:** It is the policy of the Pioneerland Library System and the responsibility of its board members, managers, supervisors, and employees to provide a work environment free from unlawful discriminatory and/or general harassment. Acts of harassment by any employee, manager, supervisor, board member, or non-employee will not be tolerated by PLS and are grounds for disciplinary action up to and including discharge from employment. Employees who believe they are being 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 harassment.

**Definition of Harassment**

Harassment: The conduct of one employee (toward another employee) which has the purpose or effect of 1) unreasonably interfering with the employee’s work performance, and/or 2) creating an intimidating, hostile or offensive work environment. Harassment is not the legitimate job-related efforts of supervisory personnel to direct and/or to evaluate an employee or to have the employee improve his or her performance.

Harassment may take different forms, including but not limited to:

“Unlawful Discriminatory Harassment” is based on the following characteristics: race, color, creed, religion, national origin, sex, disability, age, marital status, status with regard to public assistance or sexual orientation. This conduct falls within the definition of illegal discrimination in violation of MN Statutes Section 363.03. (Note: Sexual harassment is specifically defined and treated in PLS Policy No. 2301.)

Examples of “General Harassment” (not based on the above characteristics) may include but are not limited to:

- physically intimidating behavior and/or threats of violence;
- use of profanity (swearing), vulgarity;
- ridiculing, taunting, belittling or humiliating another person;
- inappropriate assignments of work or benefits; or
- derogatory name-calling.

## **Evaluating Complaints of Harassment**

- A. The allegations will be reviewed looking at the record as a whole and at the totality of circumstances, such as the nature of the alleged harassing conduct and the context in which it occurred.
- B. All facts will be reviewed on a case by case basis.
- C. In evaluating alleged “general harassment,” the acts shall be reviewed from the perspective of the complainant, using a “reasonable person” standard.
- D. In evaluating alleged “unlawful discriminatory harassment,” the acts shall be reviewed from the perspective of a reasonable person of the group which is the object of the alleged harassment. For example, if the complainant is female, the standard would be of a “reasonable woman.” If the harassment is based on race and the complainant is African-American, then the standard would be of a “reasonable African-American,” etc. These standards recognize the unique experiences of different groups in our society.
- E. All applicable provisions of collective bargaining agreements apply.

## **Procedures:**

### ***All employees:***

1. All new employees and PLS Board Members will be provided with a copy of the 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 harassed can take any of the following actions:***

1. Respectfully inform the person(s) engaging in perceived harassment that such conduct or communications is offensive, against PLS policy, and must 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 harassment, or who is not comfortable for whatever reasons in contacting his/her supervisor, may contact his/her manager or the PLS Director/Designee. If the PLS Director/Designee is engaging in 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), description of incident, witnesses, and employee’s response. Assistance in writing out the complaint will be provided if necessary.
5. An employee may file a complaint of unlawful discriminatory harassment 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. However, in the case of general harassment, the employee must use internal PLS procedures as the MN Department of Human Rights and the Equal Employment Opportunity Commission cannot accept complaints of general harassment.

**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 all harassment issues.

### ***Supervisors and Managers:***

1. Take necessary steps to protect employees from harassment in the workplace.
2. Receive reports of harassment.
3. Report all incidents in writing to the PLS Director/Designee within one working day. If 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 harassment in the workplace.
2. Receive reports of 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 PLS 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 board members are prohibited from engaging in retaliatory action against anyone because that person has made a complaint of harassment or cooperated in the investigation of a complaint of harassment. Any employee who believes that he/she is the target of retaliatory action should immediately report this to 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.

**Penalty for Engaging in Harassment or Reprisal:** A violation of this policy may be grounds for immediate discipline up to and including discharge. The specific penalty to be imposed shall be determined on a case-by-case basis, after a careful review of all the relevant facts, and in accordance with labor agreements or plans.