

POLICY TITLE: Harassment-Free and Civil Workplace

ADOPTION/LAST REVISION: Adopted 6-8-99, revised 7-15-21

I. PURPOSE

It is the policy of the Everett Roehl Marshfield Public Library to provide a work environment that is free of harassment, discrimination, bullying, and retaliation. The Everett Roehl Marshfield Public Library strives to create and maintain a welcoming work environment in which people are treated with dignity and respect. The Everett Roehl Marshfield Public Library will not tolerate unlawful discrimination or harassment on the basis of an employee's race, color, creed, ancestry, national origin, age (40 and over), disability, sex, arrest or conviction record, marital status, sexual orientation, or any other protected class, membership in the military reserve, or use or nonuse of lawful products away from work. Incidents of harassment are demeaning to all persons involved and impair the ability of the Library to effectively perform its function to our community.

Through enforcement of this policy and by education of its employees, the Library will seek to prevent, correct, and discipline behavior that violates this policy. The purpose of this policy is to provide procedures for reporting, investigating and resolving complaints of unlawful harassment, discrimination, and retaliation. The Library will not tolerate unlawful harassment, discrimination, or retaliation by any employee, elected or appointed officeholder, or non-employees who conduct business with the Library. The Library considers harassment, discrimination, and retaliation of others to be forms of serious misconduct worthy of corrective action up to and including termination or removal, and other remedial responses designed to end the prohibited behavior. It should be noted that some behaviors may not rise to the level of illegal harassment or discrimination but may still be prohibited conduct and accordingly should be reported.

Individuals protected under this policy include all employees and applicants. The Library will investigate any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) in accordance with this policy.

II. POLICY STATEMENT

All Everett Roehl Marshfield Public Library employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. The Library will take appropriate disciplinary action against any employee who violates this policy. Based on the seriousness of the offense, corrective action may include, but is not limited to, a reassignment, verbal warning, written notice, suspension, or termination of employment.

Supervisory employees are expected to serve as role models and demonstrate their commitment to this policy in their daily conduct. Division Heads and supervisors who knowingly allow or tolerate discrimination, harassment or retaliation, including the failure to immediately report such misconduct to the Library Director are in violation of this policy and subject to corrective action.

The Everett Roehl Marshfield Public Library will also endeavor to protect our employees, to the extent possible, from reported harassment by non-employees in the workplace, including customers, clients, contractors, and vendors. Any employee who encounters or is witness to harassment or bullying behavior from a non-employee must report it immediately to the Library Director.

III. PROHIBITED CONDUCT UNDER THIS POLICY

The Everett Roehl Marshfield Public Library, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

A. Discrimination

It is a violation of the Everett Roehl Marshfield Public Library's policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, religion, sex, age, national origin, disability, or any other characteristic protected by law.

Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1967, the Americans with Disabilities Act of 1990, and the Wisconsin Fair Employment Act. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.

Discrimination in violation of this policy or the law will be subject to corrective measures up to and including termination.

B. Discriminatory Harassment

Discriminatory harassment may include, but is not limited to, any conduct relating to an individual's race, color, religion, sex, age, national origin, disability, or any other characteristic protected by applicable federal, state or local law, where the conduct (1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (2) has the purpose or effect of unreasonably interfering with an individual's work performance; or (3) otherwise adversely affects an individual's employment opportunities.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal harassment includes comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
2. Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility,

aversion, or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, pregnancy, appearance, disability, sexual identity, marital status, or other protected status.

This description of harassment and inappropriate conduct is not exhaustive. Because a type of conduct is not on this list does not mean the conduct is not harassing, discriminatory, or inappropriate. The Library retains the right in all situations to discipline an employee that it finds has engaged in harassing or other bullying conduct regardless of whether the conduct is specifically described in this policy. Some conduct may not rise to the level of illegal harassment but may be bullying behavior, also prohibited by Library policy. (See below).

C. Sexual Harassment

Sexual harassment is prohibited under the Library's anti-harassment policy. Sexual harassment may include, but is not limited to, any unsolicited and unwelcome sexual advances, requests for sexual favors, or other act or communications of a sexual or sex-based nature:

- submission to such conduct is made explicitly or implicitly a term or condition of employment.
- an employment decision is based on an individual's acceptance or rejection of such conduct; such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or otherwise offensive environment.

Sexual harassment is not limited to sexual advances or expressions of sexual desire. It may also include expressions of hostility or dislike or other inappropriate conduct toward another based on that individual's sex or gender. The offender or victim of sexual harassment may be of any gender and sexual harassment can occur between persons of the same or other genders.

The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal sexual harassment including innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.
2. Nonverbal sexual harassment includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters, notes, facsimiles, e-mails, photos, text messages, and social media postings; or other forms of communication that are sexual in nature and offensive.

3. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual intercourse or assault.

D. Bullying

The Everett Roehl Marshfield Public Library defines bullying as repeated mistreatment of one or more people by one or more perpetrators. It is prohibited abusive conduct that includes:

- Threatening, humiliating or intimidating behaviors.
- Work interference/sabotage that prevents work from getting done.
- Verbal abuse.

Bullying can take the following forms:

1. Verbal Bullying
Slandering, ridiculing, or maligning a person or their family; persistent name-calling that is hurtful, insulting, or humiliating; using a person as the target of jokes; abusive and offensive remarks.
2. Physical Bullying
Pushing, shoving, kicking, poking, tripping, assaulting, or threatening physical assault, damaging a person's work area or property.
3. Gesture Bullying
Nonverbal gesturing that can convey threatening messages.
4. Exclusion
Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples of specific actions may constitute or evidence bullying in the workplace:

- Persistent singling out of one person.
- Shouting or raising one's voice at an individual in public or in private.
- Using obscene or intimidating gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Public reprimands.
- Repeatedly accusing someone of errors that cannot be documented.

- Deliberately interfering with mail and other communications.
- Spreading rumors and gossip regarding individuals.
- Encouraging others to disregard a supervisor's instructions.
- Manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting deadlines that cannot be met, giving deliberately ambiguous instructions).
- Assigning menial tasks not in keeping with the normal responsibilities of the job.
- Taking credit for another person's ideas.
- Refusing reasonable requests for leave in the absence of work-related reasons not to grant leave.
- Deliberately excluding an individual or isolating him or her from work-related activities, such as meetings.
- Unwanted physical contact, physical abuse or threats of abuse to an individual or an individual's property (defacing or marking up property).

Depending upon the frequency and severity of any bullying behaviors, they may rise to the level of prohibited harassment or retaliation under this policy.

E. Retaliation

Retaliation against any employee for filing a complaint concerning conduct falling under this policy, or for assisting, testifying, or participating in the investigation of such a complaint is prohibited by the Library and may be prohibited by state and federal law.

Retaliation is a form of misconduct. Employees who are found to have retaliated against a complainant or witness will be subject to corrective action separate from, and in addition to, any corrective action determined to be appropriate as a result of the Library's findings on an initial complaint of harassment, bullying, or discrimination. Because of the Library's commitment to prohibiting retaliatory behavior, employees should expect that consequences for retaliation will likely result in corrective action up to and including discharge.

Filing a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a policy violation.

V. REPORTING PROCEDURE:

Whenever an employee perceives conduct to be harassing, bullying, retaliatory or discriminatory, several options are available to address the problem.

- A. Any employee experiencing or observing such behavior is encouraged, but not required, to inform the person that their actions are unwelcome and offensive and that the person should stop such behavior. This initial contact can be either verbal or in writing.

The employee should document all incidents in order to provide the fullest basis for investigation if needed.

- B. Any employee who believes that they are being harassed, discriminated, bullied, or retaliated against, or who witnesses such conduct is expected to report the incident as soon as possible to their immediate supervisor. This is so that necessary preventive steps can be considered and taken to end any prohibited behavior and so that appropriate investigation and correction may be started. Supervisors receiving reported incidents of such behavior shall notify the Library Director immediately.
- C. Any employee who believes that they are being harassed, discriminated, bullied, or retaliated against or who witnesses such conduct, and has reported this conduct to their immediate supervisor, should also report the incident as soon as possible to the Library Director.
- D. An employee who believes they are being harassed, discriminated, bullied, or retaliated against by an immediate supervisor may simply report the matter to the Library Director.
- E. If the employee is not comfortable for defined reasons with reporting prohibited conduct to a supervisor or the Library Director, the employee may report such conduct to another supervisor with whom the employee feels comfortable.
- F. An employee who becomes aware that another employee is being subjected to conduct prohibited by this policy shall promptly report those concerns as described in the immediately preceding paragraph. All employees, whether victims of such behavior or not, are expected to bring violations of this policy to the attention of the Library by informing one of the individuals described above.
- G. Any unwelcome conduct that originates from a non-employee (e.g., elected officeholders, contractors or visitors) should also be reported.

The Library will determine the appropriate course of action to promptly and thoroughly address the complaint, including any immediate remediation of the behavior. The Library may initiate an investigation or have the victim and the accused engage in conciliatory efforts to resolve the matter if acceptable to the victim.

VI. HARASSMENT COMPLAINT AND INVESTIGATION PROCESS

- A. Complaints should be submitted as soon as possible after an incident has occurred, preferably in writing to the Library Director. The Library Director may assist the complainant in completing a written statement or, in the event an employee refuses to provide information in writing, the Library Director will dictate the verbal complaint.

- B. Upon receiving a complaint or being advised by a supervisor or employee that violation of this policy may be occurring, the Library Director will notify the City of Marshfield Human Resources Director as appropriate.
- C. If it is determined that an investigation is required, the investigation will be conducted promptly, thoroughly, and impartially. The investigation of harassment complaints will normally be conducted by the Library Director or a designee.
- D. The nature and extent of this investigation will be determined by the Library Director in consultation with the City of Marshfield Human Resources Director based upon the nature and seriousness of the allegations.
- E. If necessary, the complainant and the respondent will be separated during the course of the investigation either through physical separation of work or administrative leave.
- F. The confidentiality of the investigation, including the identity of the individual who submits a report, witnesses inappropriate conduct, or is the target of the complaint, will be maintained throughout the investigatory process to the extent consistent with a thorough and impartial investigation.
- G. The investigation may involve private interviews of the involved parties and employees or third parties who may have witnessed events or have pertinent knowledge.
- H. Findings will be documented and maintained in a secure location. Such records will not become part of a personnel file unless corrective action is administered or an employee's status is changed as a result of the complaint being filed.
- I. When the investigation is complete, to the extent appropriate, the person filing the report, the alleged victim (if different), and the person alleged to have committed the harassment will be informed of the findings.
- J. The Library will take immediate and proportional corrective action designed to end any prohibited behavior occurring which may include appropriate disciplinary action up to and including termination.
- K. If the investigation is inconclusive or if it is determined that there has been no violation of policy but potentially problematic conduct may have occurred, the Library Director may recommend appropriate preventive action.

IV. ALTERNATIVE LEGAL REMEDIES

Nothing in this policy may prevent the complainant from pursuing formal legal remedies, or resolution through local, state or federal agencies, or the courts. However, the filing of a complaint with an external agency does not relieve the employee of the responsibility to also file an internal complaint pursuant to this policy. The Library has a responsibility under the law to investigate claims of

harassment and to take appropriate remedial measures and is unable to do so unless the matter is brought to the Library's attention through its own internal complaint procedure.

Reference: City of Marshfield policy number 3.115