

HARASSMENT, DISCRIMINATION, AND RETALIATION IN THE WORKPLACE POLICY

I. PURPOSE

The purpose of this policy is to maintain a healthy work environment free from harassment, discrimination, and retaliation in which all individuals are treated with respect and dignity and to provide procedures for reporting, investigating, and resolving complaints of harassment, discrimination, and retaliation.

Harassment of any kind increases hostility, creates an offensive working environment, adversely affects productive working relationships, and ultimately obstructs the library's vision of a diverse workforce, reflective of the city itself. Employees are entitled to a work atmosphere free from harassment, including harassment based upon race, color, creed, sex, religion, age, disability, pregnancy, sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law.

II. STATEMENT POLICY

It is the policy of the Beloit Public Library that all employees have the right to work in an environment free of all forms of harassment. The library is committed to equity, diversity, inclusion, belonging, and equal employment for all. To that end, this policy will be liberally construed and strictly enforced.

The Beloit Public Library will not tolerate, condone, or allow harassment by any employee or other non-employee using or conducting business within the library. The Beloit Public Library considers harassment and discrimination of others to be forms of serious employee misconduct. Therefore, the Library will take direct and immediate action to prevent such behavior, and to remedy all reported instances of harassment and discrimination.

We expect all employees to treat their colleagues and members of the public in a welcoming, fair, respectful, and equitable manner. The following behaviors are prohibited under this policy: harassment, discrimination, retaliation, quid pro quo, or other types of sexual harassment, and creating a hostile work environment. Engaging in any types of prohibited conduct may result in disciplinary action being taken against the offender, up to and including discharge from Library employment.

Whether one is a victim of harassment or simply a witness to it, all employees are required to report any incidents of harassment. All complaints of harassment are to be made in accordance with the reporting procedures set forth in this policy. This prohibition against harassment is to be

enforced by all supervisors. Accordingly, disciplinary action will also be taken against any supervisor who knowingly allows such conduct to occur without taking appropriate action.

III. APPLICABILITY

This policy applies to the delivery of Library services and the official interactions between library employees as well as community members. This policy applies to all employees delivering library services, contracted, supervisors, and the Library Director. It also applies to independent contractors, visitors, and vendors who have interactions with library employees and our customers. This policy applies to conduct that occurs at the workplace and at any location or on any platform that can be reasonably regarded as an extension of the workplace, including but not limited to the use of a telephone, voicemail, text messages, and any social media or online platforms.

IV. DEFINITIONS

The following words, terms, phrases, when used in this policy, shall have the meanings ascribed to them in this policy, except where the context clearly indicates a different meaning.

Adverse Action or Adverse Employment Action: A negative consequence for someone such as harassment, recruitment/hiring, lay-offs/firings, pay, promotions/demotions, training, transfers/assignments, or leave/benefits.

Bullying: A form of harassment that includes but is not limited to a pattern of inappropriate, direct or indirect behavior that intentionally or deliberately causes fear, intimidation, emotional distress, or harm towards an individual or group of individuals.

Discrimination: An adverse action occurs which affects the terms or conditions of employment, and that adverse action is motivated, at least in part, by the employee's membership in a protected class, such as recruitment/hiring, lay-offs/firings, pay, promotions/demotions, training, transfers/assignments, or leave/benefits.

Employee: Any person hired by the library or contracted to perform work for/at the library including interns, limited term, seasonal, probationary, regular, students, volunteers, and contracted workers.

Harassment: Unwelcome severe, pervasive, or persistent conduct that unreasonably interferes with an employee's work performance or conduct that is severe or pervasive enough to create a hostile work environment or conduct that directly affects an employee's condition of employment.

Hostile Work Environment: Offensive, abusive, or unwelcomed conduct which is severe or pervasive enough that it alters the conditions of employment or creates a work environment that a reasonable person would find offensive, hostile, or intimidating.

Non-Verbal Harassment: Sexually suggestive or offensive objects or pictures, inappropriate usage of voicemail, e-mail, the internet, or other such sources as a means to express or obtain sexual material, comments etc., printed, or written materials including offensive cartoons, suggestive or offensive sounds, whistling, catcalls, or obscene gestures. Any material which inappropriately raises the issues of sex or discrimination. Treating an employee differently than other employees when they have refused an offer of sexual relations.

Other Forms of Harassment: Persistent and unwelcome conduct or actions on the basis of disability, sex, arrests or conviction record, marital status, sexual orientation, membership in the military reserve, or use or nonuse of lawful products away from work is prohibited under this policy and sections 111.31-111.39, Wis. Stats.

Physical Harassment: 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.

Retaliation: Any adverse employment action and/or any adverse action to include any act of revenge, reprisal, intimidation or coercion directed at an employee and motivated by the belief that the employee has either opposed a violation of this policy, has filed a complaint under this policy, has participated in an investigation of a complaint filed under this policy, or has exercised any other right under this policy.

Sexual Harassment: Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. For example, the repeated making of unsolicited, inappropriate gestures or comments; the display of sexually graphic materials not necessary for work purposes; preferential treatment or the promise of preferential treatment in return for submitting to or engaging in sexual conduct; or repeatedly asking someone for a date after having been turned down.

Supervisor: An employee responsible for controlling or administering all or part of activities, tactics, or training. For the purposes of this policy, the term supervisors applies to the Library Director.

Unwelcome Conduct/Behavior: Conduct or behavior is unwelcomed if a person does not request or invite it and regards the conduct as undesirable or offensive. The conduct may be unwelcomed even though the victim voluntarily engages in it to avoid adverse treatment.

Verbal Harassment: 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, obscene and/or graphic descriptions of an individual's body or threats that job, wages, assignments, promotions or working conditions could be affected if the individual does not agree to a suggested sexual relationship.

V. PROHIBITED ACTIVITY

Prohibited harassment is where enduring the offensive conduct becomes a condition of continued employment, or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive and the conduct is motivated, at least in part, by the employee's membership in a protected class.

The behavior may be any of the three following subcategories: "quid pro quo" the request for sexual favors in exchange for some other favorable employment action or in exchange for the promise to refrain from taking negative employment action; "hostile environment" coworker to coworker behavior composed of abusive and degrading conduct directed against a protected class member that is sufficient to interfere with their work or create an offensive and hostile work environment, and finally, "Respondent Superior" which occurs whenever a supervisor, engages in any act of harassment.

A. SEXUAL HARASSMENT. No person shall engage in sexual harassment.

1. Sexual Harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
 - a. Submission to such conduct is made either explicitly or implicitly as term or condition of employment; or
 - b. Submission to or rejection of such conduct by an employee is used as the basis for employment decisions affecting the employee; or
 - c. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
2. Sexual harassment may be a single incident or a series of harassing acts. Inappropriate conduct that is sexually harassing in nature can involve individuals of the same or opposite sex, a supervisor and subordinate, co-workers, an employee, or a non-employee such as a customer, contractor, vendor, or supplier.
3. Sexual harassment may result from a range of subtle to not-so-subtle conduct, depending on the circumstances. It can result from verbal, visual, or physical conduct. Examples of sexual harassment and similar inappropriate conduct prohibited by this policy include, but are not limited to:
 - a. Unwelcome sexual advances, demands, pressures, or requests for sexual acts or favors.
 - b. Making or threatening reprisals, whether explicitly or implicitly, after a negative response to sexual advances.
 - c. Repeated, unwanted sexual flirtations, advances, or propositions.
 - d. Unwelcome physical contact such as patting, grabbing, pinching, or brushing against another's body.
 - e. Offensive visual conduct, including leering, making sexual gestures, or the display of sexually suggestive objects, pictures, cartoons, or posters.
 - f. Offensively suggestive or sexually explicit communications in any form, including but not limited to letters, notes, invitations, email, text messages, blogs, instant messaging, or voicemail.
 - g. Sexually oriented verbal teasing or jokes, inquiries into one's sexual experiences, or discussions of one's sexual activities.
 - h. Graphic or degrading comments about an individual's appearance or sexual activity.
 - i. Sexually explicit or offensive images in emails or other forms of electronic messaging.
4. The legal definition of sexual harassment is broad and, in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a workplace environment that is hostile, offensive, intimidating, or humiliating to employees may also constitute sexual harassment.

- B. HARASSMENT - 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.
1. No employee shall, either explicitly or implicitly, ridicule, mock, deride, or belittle any person, including engaging in a pattern of inappropriate, direct, or indirect behavior that intentionally or deliberately causes fear, intimidation, emotional distress, or harm towards an individual or group of individuals. Examples of behavior that may constitute harassment include:
 - a. Slandering, ridiculing, or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
 - b. Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.

 2. No person shall make offensive or derogatory comments to any person, either directly or indirectly, based on age, ancestry, arrest and conviction record, color, creed, disability, genetic testing, honesty testing, marital status, military service, national origin, pregnancy or childbirth, race, religion, sex (including sexual harassment), sexual orientation, and use or nonuse of lawful products away from work. Such harassment is a prohibited form of discrimination under state and federal employment law and/or is also considered misconduct subject to disciplinary action by the library. Examples of behavior that may constitute harassment include:
 - a. Derogatory comments, epithets, slurs, or jokes.
 - b. Posting or sharing derogatory materials such as posters, cartoons, drawings, or gestures.
 - c. Aggressive or unwelcome physical conduct such as assault, blocking normal movement, restraint, touching, or other physical interference.
 - d. Bullying behavior, including but not limited to threats, intimidation, coercion, ridicule, insults, or belittling.
 - e. Spreading false, vicious, or malicious rumors.
 - f. Other behavior that creates a workplace where an employee reasonably feels threatened, humiliated, or intimidated.
 - g. The gratuitous sabotage or undermining of a person's work performance.

C. RETALIATION

No person shall engage in retaliation against an employee who files a harassment complaint, makes a report of harassment, or participates in an investigation of harassment. Any employee found to have retaliated against another employee for filing a harassment complaint, reporting harassment, or participating in an investigation of harassment will be subject to the same disciplinary action as provided for harassment offenders. Complaints for retaliation shall be reported and processed in the same manner as complaints for harassment.

D. PROHIBITION OF THE POSSESSION OR DISPLAY OF HARASSING MATERIALS

Individuals are prohibited from possessing, displaying, disseminating, distributing, trading or sharing of any materials, regardless of format; (e.g., electronic, paper, film, video, animated) that constitute harassment on the basis of race, color, creed, sex, religion, age, disability, pregnancy,

sexual orientation, national origin, ancestry, marital status, military or veteran status, citizenship, arrest record, conviction record or any other characteristic protected by State, Federal or local law. This prohibition extends to all materials which are pornographic and/or demeaning. This includes, but is not limited to, nude, semi-nude or scantily clad images, or images of non-nude people intended to simulate acts or exhibit expressions which are intimate, sexual, demeaning, or provocative. This prohibition extends to outside the workplace at Library sponsored activities.

E. FALSIFICATION OR MISREPRESENTATION OF INFORMATION

An employee will be subject to disciplinary action up to and including discharge for falsifying any information or misrepresenting any information required or requested as part of a complaint, investigation, or proceeding under this policy.

VI. RESPONSIBILITIES

- A. **Supervisory Responsibilities** - Supervisors shall be responsible for preventing prohibited activities as defined above. Supervisors shall also be responsible for the following:
1. Monitoring the work environment on a daily basis for signs that harassment may be occurring.
 2. Informing employees of the types of behavior prohibited by this policy and the City's procedures for reporting and resolving complaints of harassment.
 3. Stopping any observation that may be considered harassment, and taking appropriate steps to intervene, whether or not the involved employees are within their line of supervision.
 4. Taking immediate action to prevent retaliation towards the complaining party or witnesses and to eliminate the hostile work environment where there has been a complaint of harassment, pending investigation. If a situation requires separation of the parties, care should be taken to avoid actions that appear to punish the complainant. Transfer or reassignment of any of the parties involved should be voluntary if possible and, if non voluntary, should be temporary pending the outcome of the investigation.
 5. Assisting an employee who comes to them with a complaint of harassment in documenting and filing a complaint
 6. Promptly reporting the Library Director and Business Manager, in writing, of all instances of known, observed, or reported acts which may indicate a violation of this policy. Notification must take place within 24 hours, during business hours on a workday and by the following workday if after business hours on Friday or on the weekend. In addition to the behaviors described in this policy, mandatory reporting also includes acts such as hate crimes, sexual contact, stalking, and battery. When an employee reports an act(s) that could constitute criminal activity, mandatory reporters should contact the City Attorney who will handle any reporting to law enforcement after consultation with the Library Director and Business Manager.

Failing to carry out these responsibilities will be considered in any evaluation or promotional decision and may be grounds for discipline.

- B. Employee Responsibilities** - Employees are responsible for assisting in the prevention of harassment through the following acts:
1. Refraining from participation in, or encouragement of, actions that could be perceived as harassment and discrimination.
 2. Immediately reporting to a supervisor any offensive behavior prohibited by this policy; and
 3. Encouraging any employee who confides in them that they are being harassed or discriminated against to report these acts to a supervisor.

Failure of any employee to carry out the above responsibilities may be considered in a performance evaluation or promotional decisions and may be grounds for discipline.

VII. COMPLAINT PROCEDURES

- A. An employee encountering harassment is encouraged but not required to inform the person that their actions are unwelcome and offensive. This initial contact can be either verbal or in writing. The employee is to document all incidents of harassment in order to provide the fullest basis for investigation.
- B. An employee who has unsuccessfully attempted to terminate the harassment by the means above, and who believes that they are being harassed or discriminated against, shall report the incident(s) to their supervisor as soon as possible. Such notice shall occur no later than sixty (60) days of the incident(s) so that steps may be taken to protect the employee from further harassment or discrimination and so that appropriate investigative and disciplinary measures may be initiated. Where doing so is not practical, the employee may instead file a complaint with another supervisor or Library Director. If the alleged offender is the City Manager, an employee may file a complaint with the President of the Library Board.
- C. The supervisor or person to whom a complaint is given shall inform the Library Director immediately. The Library Director will determine who will meet with the employee filing the complaint. The person meeting with the complainant shall document the incident(s) complained of the person(s) performing or participating in the harassment or discrimination, any witnesses to the incident(s) and the date(s) on which it occurred.
- D. An employee should utilize the library's internal reporting procedures first. However, if after utilizing this procedure the complainant does not feel the complaint has been adequately addressed, the employee may file a complaint with one or more of the following agencies, whose contact information is current as of the adoption date of this policy. Please verify this information prior to filing:
 1. Wisconsin Equal Rights Division
201 East Washington Avenue, Room A100
PO Box 8928
Madison, WI 53708-8928
Phone: (608) 266-6860
WI Relay Services Dial 7-1-1; (wisconsinrelay.com)

2. Wisconsin Equal Rights Division
819 N. 6th Street; Room 723
Milwaukee, WI 53203
Phone: (414) 277-4384
WI Relay Services Dial 7-1-1; (wisconsinrelay.com)

3. Equal Employment Opportunity Commission
Milwaukee District Office
310 W. Wisconsin Ave., Suite 500
Milwaukee, WI 53203-2292
Phone: (414) 662-3680
(800) 669-6820 (TTY)
(844) 234-5122 (ALS Video Phone)

If the employee exercises the reporting option to the Equal Rights Division or the Equal Employment Opportunities commission, they must file a copy of the complaint with the Library Director within 24 hours of filing the complaint. The Library Director will immediately forward a copy of the complaint to the City Attorney.

- E. Once a complaint has been made, the library will take steps to ensure the complainant is not subject to additional harassment during the processing of the complaint. Reported complaints shall be reduced to writing by either the complainant or the Business Manager. A separate complain shall be filed for each alleged offender. Complaints shall be signed. However, failure of a complainant to sign the complaint form will not prevent a full investigation and processing of the complaint.

VIII. INVESTIGATION PROCEDURES

The Library Director and the Business Manager working in the capacity of Human Resources shall be responsible for investigating or overseeing the investigation into any complaint alleging harassment or discrimination.

- A. All employees are required to cooperate fully with any investigation into alleged violations of this policy. Investigations under this policy are confidential. Any employee discussing any part of the investigation with another Library or City employee except, where appropriate, may be subject to discipline, up to and including termination of employment. Legal representatives are strictly prohibited from sharing information from a confidential investigation with anyone else.
- B. There shall be no retaliation against any employee for filing harassment or discrimination complaint, or for assisting, testifying, or participating in the investigation of such a complaint.
- C. The complaining party's confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances.
- D. The City Attorney shall be notified immediately if the complaint contains evidence of criminal activity, such as battery, rape, or attempted rape.
- E. If, at any time during the complaint analysis or investigation, investigators feel the emotional or physical safety of any employee is at risk, the investigator may

request the Library Director to assess the need to move the alleged offender or to take other measures to provide for a safe and secure workplace environment. The Complainant should not be reassigned if at all possible.

- F. The investigation shall include a determination as to whether the alleged offender is harassing other people and/or whether other people participated in or encouraged the harassment.
- G. The parties involved shall be notified of the outcome of the investigation.
- H. The investigator shall maintain appropriate records of all investigations. A file of harassment and discrimination complaints shall be maintained in a secure location within the Business Manager Office. The City Attorney shall be provided with an annual summary of these complaints.

This policy does not preclude any employee from filing a complaint or grievance with an appropriate outside agency.

IX. VIOLATIONS

A violation of this policy can lead to discipline up to and including termination, with repeated violations, even if “minor,” resulting in greater levels of discipline as appropriate.

X. APPROVAL

This policy is hereby approved and intended to supersede any and all prior policies addressing harassment and discrimination.

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